

1 IN THE COMMON PLEAS COURT OF PERRY COUNTY, OHIO  
2  
3 COMMODORE BANK, )  
4 PLAINTIFF, )  
5 -vs- ) CASE NO. 07-CV-00395  
6 GEORGE M. RILEY, )  
7 DEFENDANT. )  
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VIDEOTAPED DEPOSITION of GEORGE M. RILEY, a  
Defendant herein, called by the Plaintiff for examination  
under the statute, taken before me, Debbie M. Bobo,  
Registered Professional Reporter, Notary Public in and  
for the State of Ohio, pursuant to the stipulations of  
counsel hereinafter set forth at the Perry County Public  
Library, 117 South Jackson Street, New Lexington, Ohio,  
on Friday, January 25, 2008, beginning at 1:00 p.m.

TAHYI VIDEO & COURT REPORTING, LTD.  
334 Main Street  
P.O. Box 935  
Zanesville, Ohio 43702-0935  
(800) 526-6508

1 APPEARANCES:  
2  
3 ON BEHALF OF THE PLAINTIFF:  
4  
5 Gary E. Becker, Esq.  
6 DINSMORE & SHOHL, LLP  
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9 Cincinnati, Ohio 45202  
10  
11 ON BEHALF OF THE DEFENDANT:  
12  
13 Steven P. Schnittke, Esq.  
14 SCHNITTKE & SMITH  
15 114 South High Street  
16 P.O. Box 542  
17 New Lexington, Ohio 43764  
18  
19  
20  
21  
22  
23  
24  
25

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ALSO PRESENT:  
Mr. Jeffrey L. Danford, and  
Mr. Terry Tahyi, Videographer.

1 STIPULATIONS  
2  
3 It is stipulated by and between counsel for the  
4 respective parties that the videotaped deposition of  
5 GEORGE M. RILEY, a Defendant herein, called for examination  
6 by the Plaintiff under statute, may be taken at this time  
7 by the Notary and by agreement of counsel without notice or  
8 other legal formality; that said deposition may be reduced  
9 to writing in stenotype by the Notary whose notes may  
10 thereafter be transcribed out of the presence of the  
11 witness; that proof of the official character and  
12 qualification of the Notary is waived.  
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24  
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1                   ---

2           (Plaintiff's Exhibits 1 - 3 marked.)

3                   ---

4           VIDEOGRAPHER: Mr. Riley, would you raise

5           your right hand for me, please.

6

7           GEORGE M. RILEY

8           being by the videographer first duly sworn, as

9           hereinafter certified, deposes and says as follows:

10          VIDEOGRAPHER: Thank you very much. Go

11          right ahead.

12

13          EXAMINATION

14          BY MR. BECKER:

15          Q.    Good afternoon, Mr. Riley. We've previously

16          met. My name is Gary Becker and I represent Commodore

17          Bank. You've been sworn under oath here today;

18          correct?

19          A.    Yes.

20          Q.    All right. And you've given depositions

21          before, so you know generally how this goes. I'll be

22          asking you questions. If you don't understand my

23          question you tell me and I'll try to rephrase it,

24          because I -- I don't want to trick you. That's not my

25          purpose. But I will be relying on what you tell me.

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1          All right?

2          You need to say yes or no --

3          A.    Yes.

4          Q.    -- or audibly answer, because the court

5          reporter's taking down everything that we say.

6          As I ask a question sometimes you may know

7          where I'm going to go with the question, but let me

8          finish it before you start answering because, again,

9          it's hard for her to type if both of us talk at the

10          same time. All right?

11          A.    Okay.

12          Q.    All right. We're here today pursuant to an

13          order signed by Judge Lewis in Perry County, Case

14          07CV00395, a copy of which order I've marked as

15          Plaintiff's Exhibit 1. And in that order Judge Lewis

16          has directed you to not only appear today, to fully --

17          and answer my questions, but to also produce documents

18          that we requested in our motion for this judgment

19          debtor exam.

20          I've marked a copy of our motion as Exhibit 3,

21          and the order signed by Judge Lewis, directing that

22          that examination proceed, as Exhibit 2.

23          Do you have the documents that we requested,

24          sir?

25          A.    I don't have any documents.

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1          Q.    Where are your documents, sir?

2          MR. SCHNITTKKE: Before you answer that,

3          I'd like to make a little statement --

4          MR. BECKER: Sure.

5          MR. SCHNITTKKE: -- on the record.

6          My name's Steve Schnittke. I've been

7          involved in this case now for approximately one month.

8          This case has been -- resulted out of a civil suit

9          against Mr. Riley and numerous of his corporate

10          entities in Licking County. It's Case No. 05CV562. I

11          was not involved in that case. And that resulted in

12          this action of judgment being taken against Mr. Riley

13          and many of his entities that he had there.

14          The deposition had been taken of him back

15          in October of -- or, excuse me, September 18th -- 19,

16          2006 in that case. At this time he was being

17          represented by Ben Zacks and Eric Wittenberg of

18          Columbus, Ohio. I don't believe he had any records at

19          that time that were produced and hasn't changed

20          anything since then. I asked him beforehand whether he

21          had any records or not.

22          And Mr. Riley's also charged with a

23          criminal complaint in Licking County Common Pleas

24          Court, Case No. 2007-CR0043. He's being represented by

25          Sam Shamansky. And Mr. Shamansky's advised me, as well

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1          as his client, Mr. Riley, not to answer any questions

2          and claim the fifth amendment upon anything that may

3          have to do with that case. Understand?

4          MR. BECKER: Yep.

5          MR. SCHNITTKKE: Okay.

6          Q.    Sir, the -- the documents that you were

7          compelled by Judge Lewis to bring with you here today

8          are about two pages worth of descriptive items. Did

9          you search for these documents before you came here

10          today?

11          A.    I don't have any documents at all.

12          Q.    Well, sir, for example, where are your tax

13          returns for the last three years?

14          A.    It's in a criminal situation and they was --

15          Q.    Where are your tax returns?

16          A.    I don't know.

17          Q.    Who does your taxes?

18          A.    I went to Ben to get my taxes straightened up.

19          Q.    Ben who?

20          A.    Zacks.

21          Q.    No, I'm talking about for the last -- since

22          your last exam. I took your deposition on September

23          the 18th, 2006 and at that time you didn't have any

24          documents. But now I'm talking about documents that

25          have been generated since that time, September 18th,

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1 2006, which it includes your tax returns, whatever  
2 states that you filed your tax -- what states did you  
3 file taxes in -- tax returns?  
4 A. Again, under criminal thing in Licking County  
5 and I'd rather not answer that at this time.  
6 Q. That's not your choice, sir. You don't get to  
7 take the fifth amendment as to whether or not you filed  
8 your taxes. You're not charged with tax evasion, sir.  
9 Where did you file your taxes?  
10 A. I --  
11 Q. What states?  
12 A. I plead the fifth.  
13 Q. Did you file tax -- federal tax returns?  
14 A. The same; I plead the fifth.  
15 Q. All right. What about your bank statements?  
16 Where are your bank statements?  
17 A. I don't have them.  
18 Q. Where are they?  
19 A. They'd be in the -- again, Sam Shamansky could  
20 answer that.  
21 Q. Is Sam Shamansky in control of your bank  
22 statements?  
23 A. No.  
24 Q. Well, who has them?  
25 A. I -- I don't know where they are.

Page 10

1 Q. Where do you bank?  
2 A. I bank nowhere now.  
3 Q. Where's the last bank you banked at?  
4 A. Personally?  
5 Q. Yes.  
6 A. Personally, nowhere.  
7 Q. Where's the last time you had a business  
8 account for any business you operated?  
9 A. I don't know the name of the bank.  
10 Q. Where's it at? What state?  
11 A. Ohio.  
12 Q. What city?  
13 A. I honestly don't know the city. You have to  
14 call Sue Schnitz. She would know.  
15 Q. Sue Schnitz no longer does your books.  
16 When's --  
17 A. Correct.  
18 Q. -- the last time you did any work with Sue  
19 Schnitz?  
20 A. It's been a while, but she had others -- she's  
21 the one that had it.  
22 Q. So what you're telling me then is you haven't  
23 had any banking transactions, either personally or  
24 through any business that you've operated, since I took  
25 your deposition on September the 18th, 2006? Over two

1 years ago.  
2 A. It hasn't been two years ago.  
3 Q. Well, you're right. Almost two. It's coming  
4 up. Year and a half.  
5 A. The bank of -- that Sue was in control was in  
6 Ohio. That's all I know.  
7 Q. That's not what I asked you. I'm asking you  
8 what banks have you transaction business with since  
9 September 18th, 2006? What states? What cities?  
10 A. I personally, zero; and the company, I plead  
11 the fifth.  
12 Q. You can't plead the fifth on that, sir.  
13 You're not charged with anything about where your bank  
14 accounts are.  
15 Where are your bank accounts?  
16 A. I don't have any bank accounts right now.  
17 Q. Where have you transacted any banking since  
18 September 18th of '06, either in your personal capacity  
19 or in any capacity in any businesses that you've  
20 operated?  
21 A. Bank of America.  
22 Q. Where?  
23 A. Tampa, Florida.  
24 Q. All right. Whose account was it?  
25 A. Continental Industries.

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1 Q. All right. Any others?  
2 A. Not that I'm aware of.  
3 Q. When's the last time you did any bank  
4 transaction with Continental Industries at the Bank of  
5 America in Tampa, Florida?  
6 A. I don't know that answer.  
7 Q. Within the last week? Within the last month?  
8 Within the last year?  
9 A. I don't know that answer.  
10 Q. Well, did you do one last week?  
11 A. No.  
12 Q. Did you do one last month?  
13 A. No.  
14 Q. Did you do one last year?  
15 A. Possibly.  
16 Q. All right. Who was signatory on that account?  
17 Who had the ability to take money in -- I'm sorry, take  
18 money out of that account, either by check or  
19 withdrawal?  
20 A. Sue.  
21 Q. Anybody else?  
22 A. I don't know.  
23 Q. Did you have the ability to do that? Could  
24 you go --  
25 A. Yeah.

Page 13

1 Q. -- into that bank?  
2 A. I could.  
3 Q. All right. Anybody else?  
4 A. I don't know. I don't know.  
5 Q. Well, who set up the account?  
6 A. I believe Sue did.  
7 Q. Who signed it? Who signed the card at the  
8 bank to say I authorize these people to take money out  
9 of this account? Did you do that?  
10 A. I must of.  
11 Q. Where at in Tampa is that bank?  
12 A. On Kennedy Avenue, I believe.  
13 Q. All right. And where are the bank records for  
14 that account?  
15 A. I -- I don't know. I don't have them.  
16 Q. Where do they go? The bank sends you a  
17 monthly statement if you've got an account with them.  
18 Where do they send it?  
19 A. It was getting sent to Sue.  
20 Q. Well, where's it sent now?  
21 A. I don't know. I didn't -- I didn't change the  
22 address.  
23 Q. So it should still be going to Sue; right?  
24 A. I would assume.  
25 Q. But Sue doesn't work for you anymore; right?

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1 A. That's correct.  
2 Q. Because you owe her money; right?  
3 A. Yes, I do.  
4 Q. All right. Has she sent you anything back?  
5 A. Anything back?  
6 Q. Any of your records.  
7 A. No, sir.  
8 Q. All right. Another thing that we ask for are  
9 any accounts receivable owed to you?  
10 A. I do have accounts receivable.  
11 Q. And what documents do you have for that?  
12 A. I don't know where they are, but -- and I'm  
13 still trying to locate them as we speak -- that would  
14 help eliminate some of my debt.  
15 Q. Well, who owes you money?  
16 A. Quite a bit of people. It was from Belmont  
17 Oil.  
18 Q. What's Belmont Oil?  
19 A. It was a company that I had a while ago.  
20 Q. Where were the records?  
21 A. I'm sorry?  
22 Q. Where are the records?  
23 A. They was in a building and when the flood come  
24 through some of them got -- from the flood, and I've  
25 been doing everything. I've called a hundred --

Page 15

1 everybody that I could possibly think of. But there --  
2 I don't know how much money -- there's still -- I mean,  
3 there's still money out there that I haven't collected  
4 or anything since that transacted.  
5 Q. What flood are you talking about? I don't  
6 know what you're talking about.  
7 A. There was a flood that come through Barton  
8 where my parents live.  
9 Q. When was that?  
10 A. I don't know the exact date.  
11 Q. Well, in '90s? '80s? '70s?  
12 A. It was in -- it was in the 2000's; I think.  
13 Q. So all your records were at your parent's  
14 house?  
15 A. They was in a -- you know them red barns that  
16 you buy?  
17 Q. Uh-huh.  
18 A. One of those.  
19 Q. But at your parent's location?  
20 A. Yes.  
21 Q. What was the address there?  
22 A. It's T11 -- T11 -- it's T111 Riley Road,  
23 Barton.  
24 Q. Riley Road?  
25 A. Barton.

Page 16

1 Q. Barton, Ohio?  
2 A. Yes.  
3 Q. Okay. And that's your parent's residence?  
4 A. Yes.  
5 Q. And that's been your parent's residence for  
6 several years; right?  
7 A. That's right. Yes.  
8 Q. Okay. Anybody else owe you money?  
9 A. Southern -- I -- I don't know their exact  
10 name. Southern Concrete, I believe it is.  
11 Q. Why do they owe you money?  
12 A. Because they didn't pay me.  
13 Q. For which business?  
14 A. What do you mean?  
15 Q. What business does Southern Concrete owe? Do  
16 they owe George Riley personally, or do they owe some  
17 company of yours?  
18 A. They owe -- they owe Continental Industries.  
19 Q. Continental. All right.  
20 And what did you do for Southern Concrete  
21 through Continental Industries?  
22 A. I operated their machinery and crushed a bunch  
23 of equip -- a bunch of concrete.  
24 Q. When and where?  
25 A. Just six months -- five months ago or so.

Page 17

1 Q. Where at?

2 A. Louisiana.

3 Q. What city?

4 A. I don't know the city. It's Louisiana.

5 Q. It's a big state.

6 A. There's parishes down here.

7 Q. Well, give me a parish.

8 A. Can I call you back with that?

9 Q. No.

10 A. I -- I don't know the name at this time.

11 Q. Well, where are they at? Where is Southern

12 Concrete based?

13 A. In Louisiana.

14 Q. Where at in Louisiana?

15 A. That's what I'm telling you I forgot. I will

16 give you the -- my attorney could give you the name.

17 They owe me like a hundred-and-some thousand dollars.

18 Q. How long did you work for them?

19 A. Three months. Two months, three months.

20 Q. All in the same location?

21 A. Yes, sir.

22 Q. Who else did the work besides yourself

23 personally?

24 A. What do you mean who else did the work?

25 Q. Well, did you -- did you do all of the work

Page 18

1 yourself that they owe you the \$100,000 for, or did --

2 A. I got --

3 Q. -- someone else --

4 A. -- I got paid so much a ton for what was

5 crushed.

6 Q. All right. But who did the work with you?

7 Did you do it all yourself or --

8 A. It was their equipment. I -- I went in,

9 showed them how to maximize their product.

10 Q. Uh-huh.

11 A. Do everything I was supposed to do, and I did

12 it and I didn't get paid.

13 Q. My question was, was anybody else working for

14 you or with you, or did you do all the work yourself?

15 Did you have any employees?

16 A. I guess I'm confused.

17 Q. Did you have any employees?

18 A. No. They was -- they covered the fuel. They

19 covered that -- that was -- I got -- it was like \$6 a

20 ton to make sure that everything ran the way it was

21 supposed to be ran.

22 Q. Do you have a written agreement with them?

23 A. I have a -- I -- I -- and I -- I'm look -- I'm

24 still looking for a piece of paper where they owe me

25 the money.

Page 19

1 Q. What would that piece of paper be?

2 A. Their letterhead to me of -- it -- it's like

3 \$106,000 or something.

4 Q. Did you have a contract with them before you

5 started doing the work?

6 A. No.

7 Q. Just a handshake?

8 A. Yes.

9 Q. So they promised to pay you \$6 a ton with a

10 handshake, you did all the work and then they stiffed

11 you?

12 A. That's correct.

13 Q. Who at Southern Concrete were you working

14 with? Who's the person?

15 A. His name is -- I'm trying to find a phone

16 number, too, because he's got -- he's got -- he's got

17 an office in Texas, too.

18 Q. Somebody owes you \$100,000 and you don't know

19 his name?

20 A. I can't think of his name. One of the guys is

21 Arnold.

22 Q. Arnold what?

23 A. I don't know. But the main guy's name is --

24 I -- I don't know the main guy's name. But again, I --

25 I -- I'll give it to the attorney by Tuesday and give

Page 20

1 you a address and their phone number.

2 Q. All right. Who else owes you money?

3 A. That's it.

4 Q. That's it?

5 All right. We asked for any documentation of

6 the transfer of any business assets, including -- not

7 limited to -- contracts for the purchase of a sale of

8 any business or any other assets. Where are those

9 documents?

10 A. I don't understand what you're -- what you

11 mean.

12 Q. Well, since September of 2006 have you sold

13 any property?

14 A. No.

15 Q. Have you bought any property?

16 A. No.

17 Q. Have you rented any property?

18 A. I don't know. What do you mean did I rent any

19 property?

20 Q. Yeah, did you rent anything?

21 A. I -- the house.

22 Q. Where's that at?

23 A. I no longer live there.

24 Q. Where'd you rent the house at?

25 A. It's at -- I don't know the exact -- it's in

Page 21

1 Palm Harbor.  
2 Q. Palm Harbor, Florida?  
3 A. Right.  
4 Q. What period of time did you rent a house?  
5 A. I don't know the dates.  
6 Q. When did you leave Palm Harbor, Florida?  
7 A. I -- I don't know the date.  
8 Q. Last week? Last month?  
9 A. No. I mean, I -- it's been longer than a  
10 month.  
11 Q. How long?  
12 A. It's been months.  
13 Q. Was it sometime in 2007, or was it in 2006? I  
14 took your deposition in September of '06 and at that  
15 time you told me you were living in Palm Harbor -- Palm  
16 of -- Palm Harbor, Florida.  
17 A. Okay.  
18 Q. So sometime after September of '06 --  
19 A. I moved.  
20 Q. But when was it? Was it still in '06, or was  
21 it in '07?  
22 A. I'm not for sure.  
23 Q. You were renting the house, though?  
24 A. That's correct.  
25 Q. All right. Where did you go after you left

Page 22

1 that house? Where'd you live?  
2 A. Pretty much on the road.  
3 Q. Where?  
4 A. Oh, I mean --  
5 Q. One at a time. Where's the first place you  
6 went after Palm Harbor, Florida?  
7 A. Well, I was staying at -- which is my wife  
8 now -- Kate's.  
9 Q. Where?  
10 A. Meadowhill Drive.  
11 Q. What's the address?  
12 A. 2956 Meadowhill Drive.  
13 Q. What's Kate's name?  
14 A. Kate Hettig.  
15 Q. How do you spell the last name; H-e-t-t-i-g?  
16 A. Yeah, probably.  
17 Q. When did you first start living with Kate  
18 Hettig?  
19 A. (Witness shrugs his shoulders.) Well, I  
20 stayed there off and on. I mean, I -- I don't know the  
21 date. I don't have the exact dates.  
22 Q. Did you ever stay with Kate Hettig before you  
23 left the Palm Harbor address that you were renting?  
24 A. Did I stay with Kate?  
25 Q. Before -- before you ever left Palm Harbor did

Page 23

1 you ever stay with Kate?  
2 A. I spent the night there.  
3 Q. When did you first start seeing Kate Hettig?  
4 A. I don't know the exact date.  
5 Q. I didn't ask for an exact date. When did you  
6 first start seeing her? Before or after September of  
7 '06?  
8 A. I don't know. I don't -- I don't know the  
9 dates.  
10 Q. Where'd you meet her?  
11 A. I met her at a store.  
12 Q. Where?  
13 A. In Clearwater.  
14 Q. Was she married at the time?  
15 A. No.  
16 Q. Was she divorced? Was she widowed?  
17 A. Widow.  
18 Q. How long had she been widowed?  
19 A. I -- I don't know.  
20 Q. How did you get introduced to her?  
21 A. We met.  
22 Q. So nobody introduced you?  
23 A. No.  
24 Q. You just ran into her?  
25 A. Right.

Page 24

1 Q. Struck up a conversation?  
2 A. Right.  
3 Q. And then you moved in with her?  
4 A. No, I just didn't move in -- in with her.  
5 Q. Uh-huh.  
6 A. Well, we went out a few times and --  
7 Q. But then you --  
8 A. -- things worked out.  
9 Q. All right.  
10 A. That's good.  
11 Q. So when did you -- was this in 2006, or 2007?  
12 A. I don't know the dates.  
13 Q. When did you -- well, strike that.  
14 When you moved in with Kate Hettig you weren't  
15 married to her at the time; right?  
16 A. Correct.  
17 Q. Who was living with you at that house?  
18 A. Her two children.  
19 Q. What are their names?  
20 A. Mark and Brooke.  
21 Q. How old are they?  
22 A. Fifteen, 14 -- I don't know, 14 and 16.  
23 Q. All right. Thereabouts.  
24 A. Yeah.  
25 Q. Are they still living there?

Page 25

1 A. Oh, yeah.  
2 Q. All right. Anybody else?  
3 A. No.  
4 Q. All right. So when you move into -- in with  
5 her in the Meadowhill Drive address, it's Kate Hettig  
6 and her two children, Mark and Brooke --  
7 A. Correct.  
8 Q. -- and then you?  
9 And you don't know when that was?  
10 A. I do not.  
11 Q. Well, were the kids in school? Were they in  
12 summer break?  
13 A. It might have been -- it may have been summer  
14 break.  
15 Q. So summer of 2007?  
16 A. Could be, could not be. I'm not -- I'm not --  
17 I don't know.  
18 Q. Well, let's try to figure that out.  
19 All right. So you move in with her. Where  
20 were you working at the time?  
21 A. I was never at a point in projects --  
22 Q. Had you already finished with Southern  
23 Concrete, or had you started --  
24 A. No, I didn't --  
25 Q. -- with Southern Concrete?

Page 26

1 A. -- even start on that yet.  
2 Q. All right. So where were you working before  
3 Southern Concrete?  
4 A. I'm not for sure.  
5 Q. Were you still working for Continental, or did  
6 you have another company?  
7 A. What do you mean? No, I -- I was Continental.  
8 Q. Continental. All right.  
9 So when you moved in with Kate you were still  
10 working for Continental. You can't remember which job  
11 it was.  
12 A. I don't work for Continental. I own  
13 Continental.  
14 Q. All right. So you were running Continental  
15 when you moved in with Kate, but you don't remember  
16 what job you were doing?  
17 A. That's correct.  
18 Q. All right. So you're living with Kate for a  
19 while. What's -- what's the next job that you did  
20 while you started living with Kate?  
21 A. I don't know where I was working at that time.  
22 You got to remember, I fell 17 feet, and you -- you're  
23 aware of that.  
24 Q. No, I'm not aware of that.  
25 A. Yes.

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1 Q. When did you fall 17 feet?  
2 A. In 2000 something. And I had microscopic  
3 bleeding in my -- in my head. And I have my medical  
4 records. And we went through that the last time. So  
5 my memory doesn't -- my dates and things doesn't work,  
6 or I may say something, or my numbers go backwards  
7 sometimes, or alphabets as well.  
8 Q. You're --  
9 A. So my reading and spelling is not --  
10 Q. Where --  
11 A. -- the same, either.  
12 Q. Where are your medical records?  
13 A. My medical records?  
14 Q. Yes, to establish that.  
15 MR. SCHNITTKER: You have them with you.  
16 A. I carry -- I carry my medical records with me.  
17 Q. Well, do you have those?  
18 A. I do.  
19 Q. Let's see the records.  
20 A. All right. Can I go outside?  
21 Q. Sure.  
22 A. Okay.  
23 MR. BECKER: Go off the record.  
24 VIDEOGRAPHER: We're going off the record  
25 at 1:43:28.

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1 ---  
2 Off the record.  
3 ---  
4 VIDEOGRAPHER: We're going back on the  
5 record at 1:25:09. Go right ahead.  
6 BY MR. BECKER:  
7 Q. Thank you, sir.  
8 You've brought a package of what you claim are  
9 medical records and some prescriptions?  
10 A. Claim?  
11 Q. That's what's in an envelope there?  
12 A. Yeah. It's my medical records, yes.  
13 Q. Fine. Just set them off to the side. We'll  
14 deal with that shortly.  
15 All right. So at some point you move in with  
16 Katie Hettig. You don't remember exactly when that was  
17 and you don't remember what job you were doing for  
18 Continental at that time. I assume you did another job  
19 at some point while you were living with Katie Hettig,  
20 and that was my question. What's the next job you  
21 can -- that you did once you moved in with Katie  
22 Hettig?  
23 A. I don't know what job location I was at or  
24 what I was doing at that time.  
25 Q. All right. Was it in Florida?

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1 A. It would have been -- it could have been in  
2 Florida.  
3 Q. Well, where else?  
4 A. Or Ohio.  
5 Q. All right. Where in Ohio did you work after  
6 September of '06?  
7 A. I don't know what the dates are, that's what  
8 I'm telling you. My dates are not good. So it could  
9 have been --  
10 Q. After the last time I took your deposition  
11 where have you worked?  
12 A. But I -- I don't know the dates and I don't  
13 know the times. I -- I was working for Shelly & Sands.  
14 Q. Okay. Anybody else?  
15 A. Crushing stone. And I don't know what dates  
16 is what dates, that's why I don't know.  
17 Q. What company did you -- were you using to  
18 crush stone while you worked at Shelly & Sands? Was it  
19 Continental?  
20 A. I don't know. I -- I -- I would have to call  
21 them and ask them.  
22 Q. Where are your records?  
23 A. I don't have them.  
24 Q. Where are they?  
25 A. I don't know.

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1 Q. What happened to them?  
2 A. I don't -- I -- I never -- when you keep  
3 asking me where my records are, I don't know what  
4 records you -- you're talking about.  
5 Q. Well, sir, if you were doing work for Shelly &  
6 Sands, they weren't going to just pay you with no  
7 records of that. They would pay you and they would  
8 give you documentation of that. And I want the  
9 documentation.  
10 A. That's not true. They only gave me a check.  
11 Q. What'd you do with the check?  
12 A. I put it in the bank and I --  
13 Q. Which bank?  
14 A. Some went to Commodore.  
15 Q. After September of '06. Sir, you haven't done  
16 any business with Commodore Bank after September of  
17 '06.  
18 A. Okay, I don't know then. That's what I'm  
19 telling you. I -- I would have to see. I mean, I can  
20 call and ask them.  
21 Q. Well, we're back to, again, where are your tax  
22 returns that you would have filed for the work that you  
23 did after September --  
24 A. On tax returns --  
25 Q. -- of '06?

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1 A. -- I plead the fifth.  
2 Q. Where are your receipts for any of the  
3 expenses that you would have incurred working for  
4 Shelly & Sands?  
5 A. I don't have them. I don't know.  
6 Q. What'd you do with them?  
7 A. I don't know.  
8 Q. How'd you get here today?  
9 A. Vern Murphy.  
10 Q. I'm sorry?  
11 A. Vern.  
12 Q. Murphy?  
13 A. Uh-huh.  
14 Q. Did he drive you?  
15 A. I rode over, yes.  
16 Q. Did he drive you, or did you drive?  
17 A. I drove.  
18 Q. What'd you drive?  
19 A. A pickup truck.  
20 Q. Whose is it?  
21 A. It belongs to Kate.  
22 Q. How did it get up here?  
23 A. How'd it get up here?  
24 Q. Yes, sir.  
25 A. It was driven up here.

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1 Q. Who drove it up here?  
2 A. Vern Murphy.  
3 Q. When?  
4 A. I don't have that -- I don't know the exact  
5 date.  
6 Q. Well, how long's it been in Ohio?  
7 A. Five months or more.  
8 Q. Where's it been stored?  
9 A. It's not being stored.  
10 Q. Well, where does it stay when it's in Ohio?  
11 A. With my son.  
12 Q. Where's that?  
13 A. Columbus.  
14 Q. What's the address?  
15 A. I don't know his address.  
16 Q. Last time I took your deposition you told me  
17 your son is your life.  
18 A. He is my life.  
19 Q. And you don't know his address?  
20 A. I do not know his address. Don't make fun of  
21 me.  
22 Q. Where does he live?  
23 A. He lives in Columbus, Ohio.  
24 Q. Where?  
25 A. I don't know the address, but --



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1 Q. What's his phone number?

2 A. I'm not -- I'm not interfering with -- my son

3 with this. I plead the fifth.

4 Q. I want his phone number. You don't get to

5 plead the fifth on your phone -- on your son's phone

6 number.

7 A. I plead -- my son is not -- irrelevant to this

8 case.

9 MR. SCHNITTKE: You want to contact his

10 son?

11 MR. BECKER: No. I want to verify what

12 he's telling me is accurate.

13 MR. SCHNITTKE: That his son is attending

14 school at Ohio State?

15 MR. BECKER: I want to know where his son

16 lives and if there's been assets stored at that

17 address, yes.

18 A. That is not an asset. It has nothing to do

19 with this case.

20 Q. Sir, where's your son?

21 A. My son is irrelevant to this case.

22 Q. That's your point.

23 Where's your son live?

24 A. In Columbus, Ohio.

25 Q. Where?

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1 A. I don't know his address.

2 MR. SCHNITTKE: Do you know what street he

3 lives on?

4 THE WITNESS: I don't.

5 MR. SCHNITTKE: Does he live up by campus?

6 THE WITNESS: Yeah.

7 Q. What school does he go to?

8 A. The Columbus State.

9 MR. SCHNITTKE: Columbus State, or Ohio

10 State?

11 THE WITNESS: Ohio State.

12 Q. Ohio State or Columbus?

13 A. It's in Columbus.

14 Q. It's two different schools.

15 Does he go to Ohio State or does he go to

16 Columbus State? They're not the same schools. Which

17 one does he go to?

18 A. I -- I don't know. I'd -- I'd say Columbus

19 and he goes to school -- he goes to college there.

20 Q. Who pays the bills?

21 A. His --

22 Q. Who pays his tuition?

23 A. My wife.

24 Q. Well, who paid the tuition before you were --

25 A. I did.

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1 Q. -- married to Kate Hettig?

2 All right. Where did you get the money to pay

3 his tuition?

4 A. Wherever I was working at at the time.

5 Q. And did you write checks to that school to pay

6 his tuition?

7 A. I -- I would of wrote checks.

8 Q. And what bank did you write the checks out of?

9 A. I don't know.

10 Q. How long's he been in school?

11 A. This is his second year.

12 Q. And you've been writing checks on behalf of

13 the tuition of your son, at least until Katie started

14 paying it, and you don't know what bank account you

15 were using?

16 A. I do not.

17 Q. You're under oath. You understand that?

18 A. Absolutely.

19 Q. You're sworn to tell the truth here today.

20 A. Absolutely.

21 Q. Okay. Well, do you have any of your checks

22 with you?

23 A. No, I don't have no checks with me.

24 Q. Where are they?

25 A. I don't have no more checks. I haven't had

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1 checks for a while.

2 Q. How long's a while?

3 A. I don't know. It's been quite some time.

4 Q. Well, how long's Kate been writing checks for

5 tuition?

6 A. Probably a year.

7 Q. A year. You've been married to her for a

8 year?

9 A. I didn't say I was married for a year.

10 Q. So she started writing checks for your son's

11 education before you got married to her?

12 A. Could of.

13 Q. Did she, or --

14 A. I don't know. She could of. I -- I'm not for

15 sure.

16 Q. Has anybody else paid for your son's

17 education?

18 A. His grandmother gives him money.

19 Q. On which side? Which grandmother?

20 A. I'm sorry?

21 Q. Which side of the family? Which grandmother?

22 A. Actually, both.

23 Q. What are their names?

24 A. Nancy Riley and Bernadine.

25 Q. What's Bernadine's last name?

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1 A. Heartline.  
2 Q. Where do they live?  
3 A. My mom lives in Barton.  
4 Q. Yeah.  
5 A. And Bernadine lives in Shadyside.  
6 Q. Address?  
7 A. I don't know the address.  
8 Q. All right. Let's go back to the pickup truck  
9 of Katie's that you drove here today that's kept at  
10 your son's address, which you don't know what it is in  
11 Columbus.  
12 A. Correct.  
13 Q. How did you get to the car?  
14 A. How did I get to the -- you mean the truck?  
15 Q. Yes.  
16 A. Mike picked me up.  
17 Q. Mike, your son, picked you up at the airport?  
18 A. Correct.  
19 Q. When?  
20 A. Last night.  
21 Q. So you stayed with your son last night?  
22 A. No, I did not.  
23 Q. Where'd you stay?  
24 A. I stayed at a motel.  
25 Q. Which one?

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1 A. In Pickerington.  
2 Q. What's the name of it?  
3 A. The -- The Country Inn, I believe.  
4 Q. Where?  
5 A. In Pickering -- in --  
6 Q. But where in Pickerington? What street?  
7 A. I don't know the address.  
8 Q. You have the receipt with you?  
9 A. I do not.  
10 Q. Did you check out?  
11 A. Yes.  
12 Q. Well, where's your receipt? You just checked  
13 out this morning.  
14 A. I --  
15 Q. Is it in your car?  
16 A. It could be in the car.  
17 MR. BECKER: Let's take a break.  
18 VIDEOGRAPHER: We're going off the record  
19 at 1:33:26.  
20 ---  
21 Off the record.  
22 ---  
23 VIDEOGRAPHER: We're going back on the  
24 record at 1:33:53. Go right ahead.  
25 BY MR. BECKER:

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1 Q. All right. So we're back on the record. You  
2 were going to get your receipt that you think might be  
3 in the truck but you've told me that the truck is  
4 parked --  
5 A. I don't know if I even have the receipt in the  
6 truck.  
7 Q. You told me the truck is parked at your  
8 counsel's office --  
9 A. Correct.  
10 Q. -- correct?  
11 So we'll keep going to -- to conserve time.  
12 We'll get that at a break.  
13 MR. BECKER: Will you make a note of that,  
14 that we need to get that at the break.  
15 Q. So how'd -- what airline did you fly in on  
16 last night?  
17 A. Southwest.  
18 Q. All right. Who paid for the plane ticket?  
19 A. Kate.  
20 Q. Do you have the receipt?  
21 A. I do not.  
22 Q. Do you have your boarding pass?  
23 A. I do not.  
24 Q. What'd you do with it?  
25 A. They keep it when you get on the plane.

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1 Q. No, they give you a receipt, sir.  
2 A. No, they didn't.  
3 Q. You have no documents to indicate how you got  
4 here?  
5 A. Yeah, I got one by the airplane.  
6 Q. Do you have any documents to indicate how you  
7 got here?  
8 A. No.  
9 Q. Who paid for the hotel last night?  
10 A. Kate.  
11 Q. Was she with you?  
12 A. No.  
13 Q. Well, how did she pay for it if you -- if  
14 she's not with you?  
15 A. Because she gave me her credit card to --  
16 Q. Do you have that with you?  
17 A. I do not have it with me at this time.  
18 Q. Do you have a wallet with you?  
19 A. I do.  
20 Q. Can you open your wallet for us and show us  
21 what you got in there.  
22 A. (Witness complies.)  
23 Q. Do you have a driver's license?  
24 A. I do.  
25 Q. What state?

1 A. Ohio.  
2 Q. See that, please.  
3 Was issued on 12-6-07. So you were in Ohio in  
4 order to get that accomplished; correct?  
5 A. Yes.  
6 Q. Why were you in Ohio in December of '07?  
7 A. I don't know.  
8 Q. Where were you staying?  
9 A. I could of stayed at my mom's.  
10 Q. I didn't ask you where you could of stayed. I  
11 said where --  
12 A. I don't know --  
13 Q. -- did you stay?  
14 A. -- at that date.  
15 Q. Sir, that's only been a month and a half ago.  
16 A. Okay. My memory doesn't work that well.  
17 Q. Where did you stay the last time you were in  
18 Ohio?  
19 A. I stayed at my mom's.  
20 Q. All right. You have an address listed here as  
21 being T111 Riley Road, Barton, Ohio 43905. That's your  
22 parent's address; correct?  
23 A. That's correct.  
24 Q. And your license number is RS281748; correct?  
25 A. If that's what it says.

1 Q. Who paid for it last?  
2 A. I -- I probably did.  
3 Q. When's the last time you paid your Sam's Club  
4 membership?  
5 A. I have no idea.  
6 Q. You have a Blue Cross Blue Shield medical card  
7 in the name of George M. Riley, Sr. Member -- Member  
8 No. XJWH42759541. Group No. is 999999Z6.  
9 Who pays for the medical insurance?  
10 A. Kate.  
11 Q. Under what business?  
12 A. I have no idea. I don't handle her affairs.  
13 Q. She just gives you medical?  
14 A. Excuse me?  
15 Q. She just gives you a medical card --  
16 A. Yes.  
17 Q. -- in your name?  
18 A. Yes.  
19 Q. How long have you had this?  
20 A. I just got it.  
21 Q. What's Black Ink Marketing?  
22 A. That's my wife's.  
23 Q. That's her business?  
24 A. Uh-huh.  
25 Q. It's Black Ink Marketing, Inc., 2956 Meadow

1 Q. All right. But do you have -- what else do  
2 you have in your wallet? Do you have any credit cards?  
3 A. I do not have the credit card with me, no.  
4 Q. I didn't ask if you had her credit. I said do  
5 you have any credit card --  
6 A. No.  
7 Q. -- in your wallet?  
8 Can I see the wallet, please?  
9 A. That's my personal --  
10 MR. SCHNITTKE: He can.  
11 MR. BECKER: Thank you.  
12 Q. You have a republican presidential task force  
13 card.  
14 THE WITNESS: Why does -- can't you stop  
15 that? This is not --  
16 MR. SCHNITTKE: I told you he'd -- he'd  
17 probably be asking for that, so.  
18 Q. Member ID 01171067-G874, republican  
19 presidential task force, George Michael Riley, 2001.  
20 You have a Sam's Club card by the name of  
21 George Riley, Eagle Industries, 10159130244412003.  
22 Member since 7-2003.  
23 You have a -- well, first of all, who pays for  
24 the membership to Sam's?  
25 A. I don't even know if it's still good.

1 Hill Drive, Clearwater, Florida 33761.  
2 What does that business do?  
3 A. That's her business.  
4 Q. I know. What do they do?  
5 A. That's -- I -- I can't answer for her.  
6 Q. You don't know what your wife does?  
7 A. I can't answer for her.  
8 Q. I'm not asking you to answer for her. I'm  
9 wanting to know whether you here -- sitting here today,  
10 under oath, know what your wife does for -- for a  
11 living?  
12 A. She does a lot of things.  
13 Q. What does she do?  
14 A. Well, she does advertising; Black Ink  
15 Marketing.  
16 Q. What kind of advertising?  
17 A. I don't get into that business.  
18 Q. So you don't work for her?  
19 A. On occasion.  
20 Q. What do you do for her?  
21 A. Whatever needs to be done.  
22 Q. What?  
23 A. Maintenance.  
24 Q. So you draw a check?  
25 A. I do not.

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1 Q. Do you get wages?  
2 A. No.  
3 Q. She just gives you money?  
4 A. I -- I -- any way you want to answer it. I  
5 don't know.  
6 Q. Well, I'm asking you the question. You told  
7 me you work for your wife on occasion. Do you -- are  
8 you an employee of Black Ink Marketing, Inc.?  
9 A. No.  
10 Q. Are you employee of any of her other  
11 companies?  
12 A. She pays bills for me in return. I help her.  
13 Q. That wasn't my question. I asked you if you  
14 were an employee of either Black Ink Marketing, Inc.,  
15 or any other company that your wife runs?  
16 A. I don't know if she has me listed as an  
17 employee or not.  
18 Q. What other companies does she run or own?  
19 A. I -- I'm -- plead the fifth.  
20 Q. Okay. Sir, you don't get to plead the fifth  
21 on what businesses --  
22 A. Kate Hettig --  
23 Q. -- she might own.  
24 A. -- has nothing to do with my prior life.  
25 That's my wife.

1 Q. What do they do?  
2 A. I don't know what Tristar Holdings does.  
3 Q. Don't know anything about Tristar Holding?  
4 A. I don't get into her -- no.  
5 Q. Are you an employee?  
6 A. I don't believe so.  
7 Q. Any other companies that she owns or controls?  
8 A. I think that's all.  
9 Q. You swore in an affidavit to the Colorado  
10 court system that you were an employee of your wife's  
11 business; correct?  
12 A. I don't know which -- I swore an affidavit?  
13 Q. Uh-huh.  
14 A. In Colorado?  
15 Q. Uh-huh.  
16 A. No, Kate wrote an affidavit.  
17 Q. Kate wrote an affidavit. What did Kate say in  
18 her affidavit?  
19 A. That she pays my -- my restitution.  
20 Q. Does she say you're an employee of hers?  
21 A. That's what I said, I don't know how she has  
22 me listed, if I'm an employee or if I'm not an  
23 employee. I think that's what I said before.  
24 Q. Did you give an affidavit to the Colorado  
25 court system as well?

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1 Q. That's your opinion, sir. What other  
2 businesses does Kate Hettig own or control?  
3 A. I plead the fifth.  
4 Q. You don't get to --  
5 MR. SCHNITKE: You have to answer that  
6 question if you know it.  
7 THE WITNESS: Excuse me?  
8 MR. SCHNITKE: You have to answer that  
9 question if you know what businesses she has.  
10 A. She has Black Ink. She has Brook Mark.  
11 Q. What's Brook Mark?  
12 A. It's a -- Brook Mark is a corporation.  
13 Q. What does it do?  
14 A. It owns -- I -- I don't know what all it owns.  
15 It --  
16 Q. What does it do?  
17 A. She has hair salons, landscaping.  
18 Q. Are you an employee of Brook Mark?  
19 A. I am not.  
20 Q. What other companies does she own or control?  
21 A. Tristar Holds.  
22 Q. What's that?  
23 A. I believe that's her holding company.  
24 Q. What is it?  
25 A. I don't know what it is.

1 A. I may have.  
2 Q. What did you say in it?  
3 A. I don't know.  
4 Q. Did you say you were an employee of Kate's?  
5 A. I -- again, I don't know.  
6 Q. Do you have a copy of it?  
7 A. I don't.  
8 Q. They didn't give you have a copy of the  
9 affidavit that you --  
10 A. I don't have a copy of it, no.  
11 Q. What'd you do with it?  
12 A. I -- Eric Wittenberg may have a copy of it.  
13 Q. Eric Wittenberg. Does he still represent you?  
14 A. Or Eric Knouse.  
15 Q. Eric Knouse.  
16 Let's go back to what's in the wallet. Who's  
17 Paul Miller at Regions?  
18 A. (Witness shrugs his shoulders.) I don't know.  
19 Q. Why do you have his card?  
20 A. I probably wrote a number on the back of it  
21 for somebody else.  
22 Q. So you don't know who that is?  
23 A. I know Paul.  
24 Q. Well, who is he?  
25 A. That's Kate's banker.

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1 Q. He is senior financial services specialist for  
2 Regions, 3021 Enterprise Road East, Clearwater, Florida  
3 33759. Phone number is 727-669-6250.  
4 You have a State of West Virginia office of  
5 miners' health and safety training, Class III license  
6 coal truck driver, issued in your name on 11-02-2000,  
7 Certificate No. 13390. Social Security listed is  
8 283-74-3572. What's this for?  
9 A. That's a card to get into mines and do work at  
10 a mine.  
11 Q. Have you used it since 11-2-2000?  
12 A. Probably.  
13 Q. What mining work have you done in West  
14 Virginia since November of 2000?  
15 A. I -- I can't really remember.  
16 That's personal. That needs to stay in my  
17 wallet, please.  
18 Q. I'll put it all back. I'm just seeing what it  
19 is.  
20 A. Well, let me have it.  
21 Q. It's Belmont Oil Ink card for Riley Industrial  
22 Park, P.O. Box 472, Blaine, B-l-a-i-n-e, Ohio 43909,  
23 with mike Riley at the top. What is this?  
24 A. It's a card that my son wrote me when he was  
25 young.

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1 Q. Okay.  
2 A. If you just turn it around on the back you  
3 would see that.  
4 Q. That's fine.  
5 A. So if you could, for -- for the record, read  
6 what it says.  
7 Q. Can't read it.  
8 Dad, finish -- the something. Don't forget to  
9 get my four-wheeler. I love you. Don't forget about  
10 my breakfast today. Friday, November 20th, 1991.  
11 Did you remove anything from this wallet  
12 before you came in here?  
13 A. Why would I need to remove anything?  
14 Q. I didn't ask you why. I said did you?  
15 A. I plead the fifth.  
16 MR. BECKER: Counsel, would you instruct  
17 your client to answer the question.  
18 MR. SCHNITKE: Answer the question. Tell  
19 him we -- we went through at my office, so.  
20 Q. What'd you remove?  
21 A. A credit card.  
22 Q. What credit card?  
23 A. A credit card that Kate gave me. U.S. Bank in  
24 her name. It's her credit card.  
25 Q. Is that what you used to pay for the hotel

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1 last night?  
2 A. Yes.  
3 Q. Is that what you used to pay for the plane  
4 ticket?  
5 A. I don't know what card she used to pay for the  
6 plane ticket.  
7 Q. Where's she at?  
8 A. She's in Florida.  
9 Q. How long she been there?  
10 A. I assume all her life.  
11 Q. Was she in Colorado with you in the last two  
12 weeks?  
13 A. Yes.  
14 Q. When did she go back to Florida?  
15 A. On a Friday.  
16 Q. Which Friday?  
17 A. I believe Friday.  
18 Q. Today's Friday.  
19 A. No, not today.  
20 Q. Last week?  
21 A. Yeah, probably.  
22 Q. What other pieces of property do you have here  
23 in Ohio other than Kate's pickup truck?  
24 A. I don't have no property in Ohio.  
25 Q. What other property up here do you use other

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1 than Kate's pickup truck?  
2 A. Oh. That's all.  
3 Q. When did you get married to Kate?  
4 A. I don't know the exact date. You know the  
5 exact date. Eric said you typed him a letter saying I  
6 wasn't married.  
7 Q. I don't know anything about it, sir. I'm just  
8 asking the question. When did you get married to your  
9 wife?  
10 A. I don't know that exact date.  
11 Q. Was it in 2006? 2007?  
12 A. Seven.  
13 Q. What month?  
14 A. I don't know. July. June. I -- I'm not for  
15 sure.  
16 Q. Summer?  
17 A. I'm -- I'm not gonna -- I'm under oath,  
18 under -- and I can't make a mistake, so I'm not for  
19 sure.  
20 Q. Well, how long have you been married?  
21 A. A while.  
22 Q. How long?  
23 A. I don't know the exact date.  
24 Q. Where did you get married?  
25 A. In Florida.

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1 Q. Where?  
2 A. In Florida at the church.  
3 Q. What city?  
4 A. I'll have to get it to the attorney and have  
5 him give it to you.  
6 Q. Tell me --  
7 A. I don't --  
8 Q. -- what city you got married in, sir.  
9 A. I don't know the city. I don't know -- I --  
10 as soon as I -- I -- I'll have him give it to you.  
11 Q. I want to know what city. We're sitting right  
12 here today. You're under oath. I want to know what --  
13 A. I don't know the city, until I'm ask -- I'm  
14 going to ask.  
15 Q. Who do you need to ask?  
16 A. Well, I'm going to ask somebody.  
17 Q. Who?  
18 A. Excuse me?  
19 Q. Who? Who do you need to ask where you got  
20 married?  
21 A. You asked me for a city.  
22 Q. Yes, sir.  
23 A. Okay. I said I'll get back with you with  
24 that.  
25 Q. No. I want to know who you need to ask where

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1 you got married.  
2 A. I'm going to ask my wife.  
3 Q. Why don't you call her right now?  
4 A. I can do that.  
5 MR. BECKER: Let's take a break.  
6 VIDEOGRAPHER: We're going off the record  
7 at 1:49:26.  
8 ---  
9 Off the record.  
10 ---  
11 VIDEOGRAPHER: We're going back on the  
12 record at 1:50:10. Go right ahead.  
13 BY MR. BECKER:  
14 Q. While we are were off the record you attempted  
15 to call your wife to determine what date you were  
16 married and what city you were married in; correct?  
17 A. Yes.  
18 Q. And she didn't answer the phone?  
19 A. I left her a message.  
20 Q. I know. What number did you dial?  
21 A. It's --  
22 Q. What number did you dial, sir?  
23 A. I'm not giving that --  
24 MR. SCHNITTKE: Give him the number.  
25 A. 727-631-3313.

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1 Q. Is that her business, or her cell phone  
2 number?  
3 A. Cell.  
4 Q. What church did you get married in?  
5 A. I'll have to ask her that as well.  
6 Q. Sir, she went out to Colorado and talked  
7 about -- to the judge out there at your sentencing --  
8 how you've been active in the church for the last five  
9 years. And you don't know what church it is?  
10 A. That's my church.  
11 Q. Which church is that?  
12 A. That's in Columbus.  
13 Q. Columbus, Ohio?  
14 A. Yes.  
15 Q. What church is it?  
16 A. That is Strong Tower International.  
17 Q. Strong Tower International, in Columbus, Ohio?  
18 A. Correct. Bishop Jerry Pierce.  
19 Q. Bishop -- Jerry with a J?  
20 A. I don't know.  
21 Q. And how long have you been a member of that  
22 church?  
23 A. A while. I don't know. I'm not going to give  
24 any exact dates. I'm under oath and I'm not -- if it's  
25 one day off or something I'm not going to get in

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1 trouble.  
2 Q. One year? Five years? Ten years?  
3 A. I don't know.  
4 Q. But you're very active in that church?  
5 A. I -- I am active with the church, yes.  
6 Q. What do you do with them?  
7 A. Whatever they ask me to do.  
8 Q. When's the last time you were at Strong Tower  
9 International Church in Columbus, Ohio?  
10 A. The last time I was up here.  
11 Q. When was that?  
12 A. Whatever day you said I was here.  
13 Q. You got your license in December of '07.  
14 A. Okay, then I was there.  
15 Q. What'd you do?  
16 A. I went to the church.  
17 Q. You just went to a service?  
18 A. Right. And I'll go this Sunday, too.  
19 Q. Did you do anything for the church while you  
20 were here the last time, December of '07, other than  
21 just go to the service?  
22 A. I -- I go to the service.  
23 Q. Did you do anything else?  
24 A. No.  
25 Q. Do they pay you anything?

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1 A. Pay me?  
2 Q. Yes, sir.  
3 A. No.  
4 Q. You don't do any work for them?  
5 A. No.  
6 Q. Okay. Who was in -- who were the witnesses at  
7 your wedding?  
8 A. I didn't have a witness.  
9 Q. Sir, you can't get married without somebody  
10 witnessing your wedding.  
11 A. Okay. Okay. That's not true.  
12 Q. Nobody else was in the room but you --  
13 A. Yeah --  
14 Q. -- and your wife?  
15 A. -- my son.  
16 Q. All right.  
17 A. Her two children.  
18 Q. Anybody else?  
19 A. Her dad.  
20 Q. Where's he live?  
21 A. Florida.  
22 Q. What's his name?  
23 A. Mark.  
24 Q. Mark? What's his last name?  
25 A. German.

1 Q. You cannot get married in the United States,  
2 in any state, without a marriage license.  
3 A. That's where you fill out the paperwork and  
4 stuff?  
5 Q. Yes, sir.  
6 A. We did that at the courthouse.  
7 Q. Which courthouse?  
8 A. Or whatever that -- annex building I think it  
9 was called.  
10 Q. Where?  
11 A. That is Clearwater, I believe. It -- it could  
12 be -- I could be wrong, but I'm -- I'm guessing  
13 Clearwater.  
14 Q. In 2007 sometime?  
15 A. I think.  
16 Q. Have you continued to live with Katie since  
17 you moved in with her sometime after September of '06?  
18 A. Yes, I stayed there.  
19 Q. Have you lived anyplace else?  
20 A. I lived in Tarpon Springs.  
21 Q. Before or after you moved in with Katie?  
22 A. Before, too.  
23 Q. Where did you live in Tarpon Springs?  
24 A. I don't know the address. It's Tarpon  
25 Springs.

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1 Q. Where in Florida does he live?  
2 A. I think that's -- when she calls I'll get that  
3 information, too.  
4 Q. Does she live -- does he live in Clearwater?  
5 A. It's around the -- Clearwater but there's  
6 different -- I mean, you got Clearwater and you got  
7 like Palm Harbor. You got these little towns that  
8 surround it.  
9 Q. Who else was at the wedding?  
10 A. The priest.  
11 Q. What's his name?  
12 A. Father Joe.  
13 Q. So it's in Clearwater?  
14 A. What's that?  
15 Q. Is it in Clearwater?  
16 A. I don't know if that side of this set is --  
17 over there is Clearwater or not.  
18 Q. What county?  
19 A. That I don't know.  
20 Q. Did you get a marriage license in that county?  
21 A. I -- I didn't.  
22 Q. You can't get married without a marriage  
23 license. Where did you get your marriage license?  
24 A. You're confusing me. I -- I guess I don't  
25 understand what you're saying.

1 Q. Did you rent a house?  
2 A. Yes, I rented.  
3 Q. Did you own a house?  
4 Was it a house?  
5 A. Yes.  
6 Q. Who with?  
7 A. What do you mean who with?  
8 Q. Who'd you live with?  
9 A. I lived with myself. On occasion Mike come  
10 down and stayed.  
11 Q. Anybody else?  
12 What was the name of the woman you were living  
13 with in Tarpon Springs?  
14 A. That I was living with --  
15 Q. Yes.  
16 A. -- in Tarpon Springs?  
17 Q. Yes.  
18 A. I didn't live with her in Tarpon Springs.  
19 Q. Not at all?  
20 A. Are you talking about Palm Harbor?  
21 Q. You told me you were living in Tarpon Springs.  
22 I want to know who you were living with.  
23 A. I just told you. Myself and Michael.  
24 Q. Anybody else?  
25 A. Not to my knowledge.

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1 Q. Okay. How long did you stay there?  
2 A. Four months maybe, three months. I don't  
3 know. Maybe five months.  
4 Q. And that was before you moved in with Kate;  
5 right?  
6 A. Yes.  
7 Q. Before you met her; right?  
8 A. Not before I met her, no.  
9 Q. So after you left Palm Harbor and before you  
10 moved in with Kate you were living in Tarpon Springs?  
11 A. I had a house up there, yes. But I stayed at  
12 Kate's, too.  
13 Q. What happened to the house that you were  
14 renting in Tarpon Springs?  
15 A. What do you mean?  
16 Q. What happened to it?  
17 A. Couldn't pay the rent.  
18 Q. So you left?  
19 A. Yes.  
20 Q. Who were you paying the rent to; a real estate  
21 agent, or to an individual?  
22 A. That was an individual in New York.  
23 Q. What was his name?  
24 A. I don't know.  
25 Q. Well --

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1 A. It was a company name, I think.  
2 Q. Who was paying the rent?  
3 A. I did.  
4 Q. Out of what money?  
5 A. Wherever I was working at the time.  
6 Q. For Continental?  
7 A. It would have been Continental.  
8 Q. And where were you banking?  
9 A. I think it was Continental. I don't know what  
10 other -- I don't know what other one. I don't know.  
11 Q. Where are the records from any rent that  
12 you --  
13 A. I --  
14 Q. -- paid while you lived at Tarpon Springs?  
15 A. I don't have it.  
16 Q. Where are they?  
17 A. I don't know.  
18 Q. Where else have you lived other than in Tarpon  
19 Springs and with your wife Katie?  
20 A. From when to when?  
21 Q. Any time after September of 2006 when I last  
22 took your deposition. You told me you started out in  
23 Palm Harbor, Florida, which is where you were living  
24 then. Now you've told me about living in Tarpon  
25 Springs, and then from Tarpon Springs you moved in with

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1 Katie. Where else have you lived?  
2 A. Let's see, Palm Harbor, Tarpon, Clearwater. I  
3 think that's it.  
4 Q. No place else?  
5 A. I don't believe so.  
6 Q. What other names have you gone by since  
7 September of 2006?  
8 A. Mike Riley or George Riley.  
9 Q. Others?  
10 A. No. George Michael Riley.  
11 Q. Any others?  
12 A. No.  
13 Q. You've never introduced yourself to anyone by  
14 any other name than those you just gave me?  
15 A. No.  
16 Q. Okay. What other companies have you worked  
17 for since the last time I took your deposition, other  
18 than Continental?  
19 A. Well, if Kate has me on payroll Black Ink it'd  
20 be Black Ink, or Tristar.  
21 Q. Anyplace else?  
22 A. At South -- at Southern Concrete. Them people  
23 didn't pay me.  
24 Q. But you were doing that under your own  
25 company. You weren't an employee of theirs; right?

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1 A. That's correct.  
2 Q. And what company were you using the name of  
3 when you were working at Southern Concrete?  
4 Continental, or some other company?  
5 A. Probably Continental.  
6 Q. All right. What other companies have you  
7 worked for or operated as or owned since the last time  
8 I took your deposition?  
9 A. Either Black Ink, Tristar, or Continental, to  
10 the best of my knowledge.  
11 Q. What about Rock Concrete, LLC?  
12 A. That's not mine.  
13 Q. Whose is it?  
14 A. I have no idea.  
15 Q. What about APG, Inc.?  
16 A. That's not mine.  
17 Q. Don't know anything about APG, Inc.?  
18 A. It's not -- I don't -- it's not mine.  
19 Q. That's not what I asked you. Whose it -- what  
20 do you know about APG, Inc.?  
21 A. It's an oil company.  
22 Q. What about it? What do you know about it?  
23 A. It's a bulk plant in Mississippi.  
24 Q. It's a what plant?  
25 A. A bulk plant.



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1 Q. Bulk?  
2 A. Uh-huh.  
3 Q. Bulk oil?  
4 A. Right.  
5 Q. In Mississippi. What about it? What do you  
6 know about it?  
7 A. I guess it's a pretty big, broad question. I  
8 don't know. What do you mean what do I know about it?  
9 Q. Well, what do you know about APG, Inc., which  
10 is a bulk oil company in Mississippi? Did you ever  
11 work for them?  
12 A. Nope.  
13 Q. Did you ever own them?  
14 A. Nope.  
15 Q. Did you ever tell anybody that you owned them?  
16 A. Did I ever tell anybody I owned it?  
17 Q. Uh-huh.  
18 A. No, because I don't. I don't own it.  
19 Q. Did you do any business with it?  
20 A. I did not do business with it, no.  
21 Q. Have you ever?  
22 A. Have I ever did business with them?  
23 Q. Uh-huh.  
24 A. When you say have I did business, what do you  
25 mean? Can -- you're -- you're confusing me.

1 A. I don't know when he bought it.  
2 Q. How do you know that Vince Promuto bought APG,  
3 Inc.?  
4 A. Vince is a friend of mine.  
5 Q. How long have you known him?  
6 A. He's known my family for a long time. I -- I  
7 mean, I don't know.  
8 Q. What do you mean he's been in your family?  
9 A. I said he -- he -- he's known my family for a  
10 while.  
11 Q. Where did you meet him?  
12 A. Vince?  
13 Q. Yes.  
14 A. I -- I don't even remember. I mean --  
15 Q. Twenty years ago? Thirty years ago? Five  
16 years ago?  
17 A. I'm 44. He's known my family for prob -- I  
18 don't know how long he's known my family.  
19 Q. Where's he live?  
20 A. He lives in Florida, in Fort Lauderdale, and  
21 in New York.  
22 Q. Is that who you were renting the house from?  
23 A. No.  
24 Q. All right. What does he do?  
25 A. Vince?

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1 Q. Have you ever done any business with APG,  
2 Inc.?  
3 A. What do you mean doing business?  
4 Q. Have you ever bought anything from them?  
5 A. No.  
6 Q. Ever sold anything to them?  
7 A. No.  
8 Q. Ever said you were going to buy them?  
9 A. Did I ever say I was going to buy them?  
10 Q. Yeah.  
11 A. No.  
12 Q. Well, what have you done with them?  
13 A. I know a guy that bought them.  
14 Q. Who?  
15 A. Vince.  
16 Q. Vince who?  
17 A. Promuto.  
18 Q. And what do you know about Vince Promuto  
19 buying APG, Inc.?  
20 A. What do I know about it?  
21 Q. Yeah. You said you know a guy that bought  
22 APG, Inc., named Vince Promuto.  
23 A. Right.  
24 Q. What do you know about that? When did he buy  
25 it?

1 Q. Yes.  
2 A. He's a -- he is an entrepreneur.  
3 Q. What's that mean?  
4 A. What do you mean what's that mean?  
5 Q. Well, you told me he's an entrepreneur. What  
6 does that mean?  
7 A. Very wealthy, very intelligent attorney.  
8 Q. He's an attorney?  
9 A. He is.  
10 Q. Does he practice law, or does he run  
11 businesses, or what's he do?  
12 A. I don't -- I -- I can't -- don't know. I  
13 can't speak for him.  
14 Q. You said you've known this guy.  
15 A. I mean I know him. I -- he -- I don't know if  
16 he still practices. I mean, yes, he was a -- actually,  
17 a U.S. attorney in DC.  
18 Q. Okay. And you know he bought APG, Inc. how?  
19 How do you know that?  
20 A. What do you mean how do I know that?  
21 Q. You told me you know -- that's how this whole  
22 conversation started. You told me that you know Vince  
23 Promuto.  
24 A. You asked me if I knew anything about APG  
25 and -- and at what -- how did I know. Because Vince

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1 told me he bought it.  
2 Q. When did he tell you he bought it?  
3 A. I don't know the exact date.  
4 Q. This year? Last year? Five years ago?  
5 A. It was -- we're in a new year so it would have  
6 been last year I believe.  
7 Q. So 2007?  
8 A. Yes.  
9 Q. All right. What did he tell you about his  
10 purchase of APG, Inc.?  
11 A. That he bought an oil company.  
12 Q. What else?  
13 A. That's it.  
14 Q. Have you done any business with Vince Promuto?  
15 A. What do you mean have I done business with  
16 Vince?  
17 Q. Have you done any business with Vince Promuto?  
18 A. No. We're friends.  
19 Q. So you've never worked with him?  
20 A. Have I worked for Vince?  
21 Q. Yep.  
22 A. What do you mean have I worked for Vince?  
23 I've never worked for Vince.  
24 Q. Have you worked with him?  
25 A. Well, working with him would be working for

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1 him; correct?  
2 Q. No.  
3 A. Okay, then I'm -- I don't know your answer.  
4 Q. What have you done with Vince Promuto other  
5 than know him?  
6 A. Pretty much just -- that's it. I hung around  
7 with him.  
8 Q. When's the last time you saw him?  
9 A. Month ago.  
10 Q. Where at?  
11 A. Florida.  
12 Q. Where in Florida?  
13 A. Tampa.  
14 Q. Where at in Tampa, Florida? Where were you?  
15 A. I don't remember. Some restaurant I'm sure.  
16 Q. Okay. Other than Tampa, Florida when's the  
17 last time you saw him?  
18 A. That's it.  
19 Q. That's it in the last year?  
20 A. In the last year?  
21 Q. Yes.  
22 A. I believe so --  
23 Q. Last two years?  
24 A. -- to the best of my --  
25 I'm sorry?

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1 Q. In the last two years when -- when have you  
2 been with Vince Promuto?  
3 A. Multiple times.  
4 Q. Where?  
5 A. Multiple places.  
6 Q. Tell me.  
7 A. Florida, Louisiana.  
8 Q. Where in Louisiana?  
9 A. Multiple places in Louisiana.  
10 Q. Where?  
11 A. I don't know. I don't know all the places. I  
12 mean, we've been a lot of places together.  
13 Q. It's a big state. Tell me where.  
14 A. I -- I don't know the name of the parishes.  
15 Q. You can't tell me a single parish that you  
16 have been with Vince Promuto in in the last two years?  
17 A. Mississippi.  
18 Q. That's a different state.  
19 A. You asked all the states, didn't you?  
20 Q. Yeah, but I asked what parishes in Louisiana  
21 first.  
22 A. I don't know where Phoenix -- wherever Phoenix  
23 headquarters would be.  
24 Q. What's Phoenix?  
25 A. Excuse me?

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1 Q. What's Phoenix?  
2 A. What is Phoenix?  
3 Q. Yeah.  
4 A. Phoenix is a organization that does multiple  
5 things.  
6 Q. Phoenix Associate -- Associates Land  
7 Syndicate, is that what you're talking about?  
8 A. Yes.  
9 Q. And how do you know Phoenix Associates Land  
10 Syndicate?  
11 A. John Zornes is his name that works for them.  
12 Q. What about him?  
13 A. Come to me and wanted me to meet their  
14 president, and his name is Paul Alonzo.  
15 Q. When was this?  
16 A. In '07.  
17 Q. All right. So it was after, or before you got  
18 married to Kate?  
19 A. We was married I believe.  
20 Q. All right. So after -- sometime after you  
21 married Kate in '07 you get introduced to Paul Alonzo.  
22 Who introduced you; John Zornes?  
23 A. Johnny Zornes.  
24 Q. How do you know Johnny Zornes?  
25 A. I never -- I didn't know him.

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1 Q. No?  
2 A. I've met him -- I went down there to look at  
3 crush head stone that I never got paid on.  
4 Q. What stone are you talking about?  
5 A. There where I never got paid.  
6 Q. For Southern Concrete?  
7 A. Yes.  
8 Q. All right. So you're down there working  
9 for -- working with Southern Concrete and somehow --  
10 A. I went down there to look at the project and  
11 work with Southern Concrete.  
12 Q. All right. And how do you -- how does that  
13 lead you to John Zornes?  
14 A. Johnny Zornes knows that -- that other guy  
15 that I'm going to get you the name for, and he also  
16 knows Arnold.  
17 Q. All right. So he introduces them to the owner  
18 of Phoenix Associates Land Syndicate --  
19 A. Yes.  
20 Q. -- Paul Alonzo?  
21 A. Correct.  
22 Q. And what happens?  
23 A. When -- well, I met him. They flew me back  
24 and forth a few times.  
25 Q. From where?

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1 A. Well, more than once. From Florida to  
2 Louisiana.  
3 Q. Hold -- let me stop you there a second. When  
4 you say they flew you back and forth, are you telling  
5 me that Phoenix Associate Land Syndicates paid to fly  
6 you from Florida to Louisiana and back?  
7 A. No, they did not pay. They used their own  
8 plane.  
9 Q. Oh, they sent -- they sent a plane and picked  
10 you up?  
11 A. Correct.  
12 Q. When?  
13 A. I don't know the dates.  
14 Q. Sometime in '07?  
15 A. Sometime in '07.  
16 Q. And why would they do that?  
17 A. They wanted me to come on board with them.  
18 They were looking at some coal mines to buy. And then  
19 they have a gravel pit. They had a gravel pit.  
20 Q. Where?  
21 A. I don't know the name of the place up there,  
22 but they have a gravel pit. It's called Murphy.  
23 Murphy's -- Murphy Stone I believe, or Murphy  
24 something.  
25 Q. In Louisiana?

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1 A. It is in Louisiana, yes.  
2 Q. All right. So they fly you there. Why do  
3 they want to talk to you about buying a coal mine or to  
4 work at a gravel pit?  
5 A. Because they didn't know that industry.  
6 Q. Okay. And you did?  
7 A. I know that industry.  
8 Q. What did you tell them -- who did you tell  
9 them you were working for at that time, for what  
10 company?  
11 A. Who did I tell them I was working for?  
12 Q. Yes.  
13 A. I didn't tell them I was working for anybody.  
14 Q. Well, you had to have given them some  
15 information to lead them to believe that you knew  
16 something about buying coal mines or working gravel  
17 pits.  
18 A. Well, they seen what we was doing over there,  
19 and then Vince was doing the gravel pit and spent  
20 millions of dollars in equipment for the gravel pit  
21 that later that we found out they did not own.  
22 Q. Vince who?  
23 A. Promuto.  
24 Q. I thought you just told me you never did any  
25 business with Vince Promuto. So now you're telling me

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1 you did a gravel pit business with Vince Promuto?  
2 A. I did not do a gravel pit with Vince Promuto.  
3 Vince Promuto did a gravel pit with Phoenix.  
4 Q. When?  
5 A. I don't know when.  
6 Q. Before you started talk -- walk -- talking to  
7 Phoenix?  
8 A. Vince was there before, yes.  
9 Q. All right. So sometime before you get  
10 introduced to anybody at Phoenix Vince Promuto did some  
11 gravel pit work?  
12 A. I don't know what all Vince has done for them,  
13 so I -- I can't speak for Vince. I -- you're asking  
14 for me.  
15 Q. I'm not asking that, sir. I'm just trying to  
16 figure out how you got involved with these guys.  
17 A. With Phoenix?  
18 Q. Yes.  
19 A. Through Johnny Zornes.  
20 Q. All right. You -- as you told me that then  
21 you started talking about Vince Promuto having done  
22 business with Phoenix as well. And you never told me  
23 that there was a relationship between you and Vince and  
24 Phoenix. Has there ever been a relationship between  
25 you and Vince Promuto and Phoenix?

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1 A. Vince has his relationship with them. I had  
2 my relationship with them.  
3 Q. Did it occur at the same time?  
4 A. Vince was with Phoenix before me.  
5 Q. So when you started talking to Phoenix was  
6 Vince already working with them?  
7 A. I don't know. I believe -- he was there  
8 before me.  
9 Q. Was he still there when you started talking to  
10 Phoenix?  
11 A. What do you mean?  
12 Q. Was he working with them when you started  
13 talking to Phoenix?  
14 A. I would have -- I -- I can't -- I don't know.  
15 Vince was there before me.  
16 Q. Uh-huh.  
17 A. That's for sure.  
18 Q. All right.  
19 A. His agreement with Phoenix I have no idea.  
20 Q. Okay. So that -- in any event, Phoenix flies  
21 you back and forth on Phoenix's jet?  
22 A. Well, Phoenix -- really wasn't Phoenix's jet  
23 because they didn't pay for it. They beat a guy up out  
24 of Florida with it, as they did on every -- every job  
25 that they went to. They didn't pay for nothing. They

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1 didn't do nothing. They got -- they -- Vince brought  
2 all that equipment. I mean, that -- that's a  
3 nightmare. And actually, we have a federal lawsuit --  
4 I have a federal lawsuit against them right now.  
5 Q. Was it a private jet, or was it a commercial  
6 jet that picked you up?  
7 A. A small jet.  
8 Q. But it wasn't -- it's not Delta --  
9 A. No.  
10 Q. -- or American Airlines?  
11 It's a private jet?  
12 A. Yes.  
13 Q. All right. And they picked you up in this  
14 jet, flew you back and forth how many times?  
15 A. Multiple. I can't tell you how many times.  
16 Q. Two? Twelve?  
17 A. Quite a bit. I mean, they flew me from me  
18 Clearwater one time to Miami. Paul, Ron and whatever  
19 some other attorney's name they had with them.  
20 Q. All right. So you're talking to these guys  
21 that are flying you around. What happened after that?  
22 A. What do you mean what happened after that?  
23 Q. What happened between you and Phoenix? You're  
24 talking to them about --  
25 A. Phoenix stuck Kate for \$89,000. They stuck --

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1 they pay no bills. They -- they are a -- they're a  
2 company owned by the people, you know, where you can  
3 make an investment, or whatever that is.  
4 Q. In stock?  
5 A. No.  
6 Q. No?  
7 A. You -- it's a -- you know, like how I own my  
8 own company? He doesn't have a company that -- like,  
9 everybody can own it.  
10 Q. So I -- but I asked you what happened at --  
11 they're flying you back and forth. I want to go step  
12 by step --  
13 A. Okay.  
14 Q. -- in terms of your business relationship with  
15 these people. They're flying you back and forth. You  
16 told me because they were interested in getting into  
17 the coal industry --  
18 A. That's correct.  
19 Q. -- and that they didn't know anything?  
20 A. No, they had a gravel pit way before me.  
21 Q. Okay. So the coal industry?  
22 A. Correct.  
23 Q. So they're flying you back and forth?  
24 A. Well, not this -- it -- break -- I can break  
25 it down much easier if we go by steps.

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1 Q. That's fine.  
2 A. I met them while I was crushing the concrete.  
3 Q. Okay.  
4 A. We went over there. They took you to this  
5 elaborate dinner. It was a beautiful place. They  
6 do -- they buy -- they buy a lot of companies, is what  
7 they do.  
8 Q. Uh-huh.  
9 A. And don't pay for them. They take the money  
10 and let them go. That's what they do. So I went from  
11 there. They had a -- a book, it was about this thick  
12 (indicating), about a coal company that somebody  
13 brought to them.  
14 Q. Okay. What was that?  
15 A. I can't read. Paul knows I can't read. So  
16 Vince reviewed some of the paperwork -- or that --  
17 read -- read the book. And I told them, I said, I got  
18 to see the projects. I can't do a project unless I see  
19 it.  
20 Q. Okay.  
21 A. So then we flew up to the coal mine.  
22 Q. Where was that?  
23 A. Up in Alabama, I think it was. Georgia or  
24 Alabama.  
25 Q. All right. On their jet?

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1 A. Yes.  
 2 Q. So they paid for it?  
 3 A. They had a lot of jets.  
 4 Q. All right. So what happened then?  
 5 A. So we had a meeting.  
 6 Q. Where was the meeting?  
 7 A. At the coal company.  
 8 Q. All right. What was the name of this coal  
 9 company?  
 10 A. Something Energy. I -- I don't know. I don't  
 11 remember the name of the place, but I -- I don't -- I  
 12 don't know the name of the coal company. So we went  
 13 down and looked at the pit. The coal seemed --  
 14 didn't -- to me didn't look that thick, but the rock  
 15 there was phenomenal. So I told them it'd be a good  
 16 idea to put a -- a limestone quarry in multiple  
 17 locations at the -- at the coal company.  
 18 Q. Okay.  
 19 A. That was my advice to them.  
 20 Q. All right. They pay you for that advice?  
 21 A. I went up there. I don't think I got anything  
 22 at that time.  
 23 Q. All right. Later?  
 24 A. I did get some -- I -- Tristar Holdings -- I  
 25 was with Tristar Holdings. They hired Tristar

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1 Holdings.  
 2 Q. Tristar Holdings is your wife's company?  
 3 A. That's correct.  
 4 Q. So you were an employee of them?  
 5 A. If she has me on as an employee. I don't know  
 6 if's Black Ink or Tristar, whatever. Whatever company  
 7 she has, if she has me employee of her company, you --  
 8 that's --  
 9 Q. You just told me you were with Tristar  
 10 Holdings and Phoenix went into a business relationship  
 11 with Tristar Holdings. And what's your relationship to  
 12 Tristar Holdings at that time?  
 13 A. What was my relationship?  
 14 Q. Yeah. Were you representing Tristar Holdings?  
 15 Did you say I own the company?  
 16 A. No. I -- I don't -- I've never represented  
 17 I've owned any of them companies.  
 18 Q. Well, obviously you told them you had  
 19 something to do with Tristar Holdings. What did you  
 20 tell them?  
 21 A. Well, first let's finish the coal company then  
 22 we'll get back to that or do you want me -- we're --  
 23 you're -- you're confusing me. We're going from one  
 24 place to another.  
 25 Q. No, I'm at the same place. You told me that

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1 you --  
 2 A. You asked me --  
 3 Q. -- you recommend -- let me finish.  
 4 You told me that you recommended that they put  
 5 a limestone quarry in, it was your idea, and you were  
 6 with Tristar Holdings.  
 7 A. No. You asked me did they pay me anything.  
 8 Q. Uh-huh.  
 9 A. And I said, no, they didn't pay me.  
 10 Q. Who'd they pay?  
 11 A. They paid Tristar Holdings.  
 12 Q. Why would they pay Tristar Holdings for advise  
 13 that -- or any work that you did?  
 14 A. Because of money that I owe my wife.  
 15 Q. How much do you owe your wife?  
 16 A. Quite a bit.  
 17 Q. How much?  
 18 A. Way over \$500,000.  
 19 Q. Did you owe her that much when you were  
 20 dealing with Phoenix?  
 21 A. I don't know what I owed her. I mean,  
 22 whatever -- I mean, she -- whatever I need or whatever  
 23 she always gave me.  
 24 Q. So she's been supporting you since you moved  
 25 in with her; right?

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1 A. Pretty much so.  
 2 Q. All right.  
 3 A. But I help her in return, too.  
 4 Q. So, in any event, they -- they enter in --  
 5 after you talked to them about this limestone quarry  
 6 they enter into a business relationship with Tristar  
 7 Holdings and then --  
 8 A. No. The -- the contract was not signed.  
 9 Q. Okay. So what happened?  
 10 A. As time went by we learned how they was doing  
 11 people, and I had an attorney. They made false  
 12 accusations against me and did things that wasn't right  
 13 and I hired an attorney. His name is Mike Fowler.  
 14 Still represents me. And he filed a case in it, in  
 15 Louisiana, in federal court.  
 16 Q. And in that lawsuit he says that you entered  
 17 into a business -- a series of business transactions  
 18 through a company called Phoenix Associates Land  
 19 Syndicate.  
 20 A. Excuse me?  
 21 Q. Your attorney, in the lawsuit you just told me  
 22 about --  
 23 A. Okay.  
 24 Q. -- he says, you and Defendant Alonzo entered  
 25 into a series of business transactions through a

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1 company called Phoenix Associates Land Syndicate.  
2 A. What does that mean?  
3 Q. That means that you were working with Phoenix  
4 in a series of business transactions.  
5 A. I did go with Phoenix a -- a lot of places to  
6 look at things, that is true.  
7 Q. Did you ever get employed by them?  
8 A. No.  
9 Q. They have a -- a press release. It says that  
10 you assumed the position of executive vice president of  
11 international operations.  
12 A. That is incorrect.  
13 Q. Did you represent to them that your name was  
14 Mike O'Riley?  
15 A. Absolutely not.  
16 Q. Never told them that your name was Mike --  
17 A. Absolutely not.  
18 Q. -- O'Riley?  
19 That's a flat lie?  
20 A. That is a flat lie.  
21 Q. And it was published in --  
22 A. There probably is a lot of things on there  
23 that's a -- a flat lie.  
24 MR. SCHNITTKE: Can I see that?  
25 MR. BECKER: Not yet. I'm not marking it

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1 as an exhibit.  
2 A. I think we have -- Sam has a copy of that.  
3 Q. You represented also to these folks that you  
4 had a mining engineering degree, correct?  
5 A. That is incorrect.  
6 Q. And that you've worked in the mining business  
7 all around the globe?  
8 A. That is incorrect.  
9 Q. That you come from a background of five  
10 generations of mining expertise?  
11 A. That's -- well, I've -- I've came a many of  
12 years of mining experience that -- but that's -- that's  
13 not what was said.  
14 Q. And at the same time they were bringing you on  
15 they brought on Mr. Promuto; correct?  
16 A. Bringing on me on where?  
17 Q. To Phoenix.  
18 A. I -- I can't answer for Vince. They had a  
19 lease with -- an agreement with Vince to do -- to strip  
20 the pit, the sand pit.  
21 Q. Well, who owned the sand pit?  
22 A. We thought Phoenix did, but Phoenix didn't.  
23 They was in a lawsuit down here and Vince bought all  
24 that equipment prior to I getting there. Now, this is  
25 only hearsay, what I'm being told, but I don't think

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1 Vince would mislead me. He bought all the equipment  
2 that he took to do that place down there. They didn't  
3 own it. The lease -- they didn't pay their royalties.  
4 They didn't pay anything. Phoenix didn't pay any of  
5 that.  
6 Q. So in this -- what other business transactions  
7 did you -- did you become involved in with Phoenix?  
8 A. That's what I said. We flew down to Miami and  
9 met with some people about a gypsum in -- I don't know  
10 the name of that other country. And that book was all  
11 in a whole different language than even American.  
12 Q. So you flew out of the country?  
13 A. I did not fly out of the country.  
14 Q. Where'd you go?  
15 A. To Miami. And we was in a meeting in Miami at  
16 the airport.  
17 Q. To discuss what?  
18 A. They brought all this -- well, there was --  
19 they was talking about all multiple things.  
20 Q. What?  
21 A. I don't know what all they was -- other things  
22 they was -- my concern was was the mining that possibly  
23 could have happened for Phoenix in another -- in  
24 another small country.  
25 Q. What country?

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1 A. I can't remember. It's not Belize. It's -- I  
2 think it starts with a V. And -- oh, no, Santo  
3 Domingo.  
4 Q. But you never went there?  
5 A. I did not go there.  
6 Q. All right. So you talked to them in Miami and  
7 what happens?  
8 A. Well, the guy that had the project -- it  
9 was -- it was -- again, it was in a book that did -- it  
10 wasn't even in American language. Paul was supposed to  
11 get the book transferred into American language and  
12 never did.  
13 Q. Okay. So what happened?  
14 A. I don't know. I -- I don't know if they went  
15 forward. I don't know what they would do with it.  
16 Q. What's the next thing you did then with your  
17 business transaction, Phoenix?  
18 A. I -- he was into so much, I don't know. I  
19 mean --  
20 Q. I just want to know what you did with them.  
21 Your -- your lawyer filed a lawsuit and said that you  
22 had a series of business transactions --  
23 THE COURT REPORTER: Excuse me.  
24 MR. BECKER: Want something to drink? You  
25 need some water? Let's go -- two seconds later.

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1 VIDEOGRAPHER: We're going off the record  
 2 at 2:22 -- 2:23.  
 3  
 4 Off the record.  
 5  
 6 VIDEOGRAPHER: We're going back on the  
 7 record at 2:26:20. Go right ahead.  
 8 BY MR. BECKER:  
 9 Q. All right. What I'm trying to get to the  
 10 bottom of is all of the series of business transactions  
 11 that your lawyer alleges, in the lawsuit that he filed  
 12 in Federal District Court in Eastern District of  
 13 Louisiana in Case 07-8379, he says you had with Phoenix  
 14 Associates Land Syndicate. That's what I want to talk  
 15 about. And you've told me about a trip to Miami and  
 16 that apparently didn't get anywhere. So what's the  
 17 next business transaction --  
 18 A. The coal mine as well.  
 19 Q. That didn't go anywhere, either?  
 20 A. Nope.  
 21 Q. So what's the next business transaction --  
 22 A. They wanted -- the guy had three million  
 23 dollars in this checking.  
 24 Q. Who's the guy?  
 25 A. The coal company guy.

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1 Q. Okay.  
 2 A. Phoenix wanted to take the three million  
 3 dollars out of his account when they acquired it and  
 4 give him these -- give him a portion of whatever it  
 5 was, like they did with the airplanes, like they did  
 6 with all these other companies, and then didn't pay  
 7 nobody nothing. And it didn't -- and that's what took  
 8 place.  
 9 Q. Well, what did you do with them, though? So  
 10 what do these business transactions --  
 11 A. I went to the coal mine and looked of what I  
 12 thought could take place.  
 13 Q. That's all you did?  
 14 A. Right. And -- and I looked. And I said,  
 15 look, I think limestone worker. There's plenty of it.  
 16 Q. We've covered that and you've --  
 17 A. Okay.  
 18 Q. Now you've told me about it being in Miami.  
 19 A. Right.  
 20 Q. What else? What other business transactions  
 21 that you're aware of and filed this lawsuit about?  
 22 A. Let's see, coal mine, the -- the coal mine.  
 23 The best thing -- incentive to -- I gave them advice  
 24 how I would mined the -- that Murphy pit.  
 25 Q. All right. Anything else?

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1 A. There could have been some more or may not  
 2 have been no more. I -- I -- if you bring something to  
 3 my knowledge then I -- I could answer you yes or no.  
 4 Q. Well, what money did they give to Tristar  
 5 Holdings for anything that you did?  
 6 A. The checks bounced.  
 7 Q. So they never paid anything to Tristar  
 8 Holdings?  
 9 A. They paid -- I think maybe one or two checks  
 10 cleared. The rest of them bounced.  
 11 Q. So how much did they pay you?  
 12 A. I think a \$7,000 check bounced. A \$3500 check  
 13 bounced. I think one of the \$7,000 or -- checks  
 14 clears. I'm not for sure.  
 15 Q. What'd you do with the money?  
 16 A. It wasn't my money.  
 17 Q. So it went to Tristar Holdings?  
 18 A. Correct.  
 19 Q. So you're telling me that -- that we --  
 20 there's records somewhere of checks that Phoenix  
 21 wrote --  
 22 A. Mike Fowler has the checks that bounced.  
 23 Q. All right -- that Phoenix wrote, and those  
 24 checks would have been made payable to Tristar  
 25 Holdings?

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1 A. I believe that's true.  
 2 Q. And it wouldn't -- and those checks would have  
 3 been written to Tristar Holdings by Phoenix because of  
 4 work that you did on behalf of Phoenix and recommending  
 5 things or advising them?  
 6 A. Sir, I -- I didn't understand that. Again,  
 7 please.  
 8 Q. And the reason Phoenix would have been writing  
 9 those checks to Tristar Holdings is because of --  
 10 A. Because I was with --  
 11 Q. -- things that you were doing for Phoenix?  
 12 A. Through Tristar Holdings.  
 13 Q. Yes.  
 14 A. Because I --  
 15 Q. (Nods affirmatively.)  
 16 A. It was Tristar Holdings.  
 17 Q. Yes.  
 18 A. That's correct.  
 19 Q. Okay.  
 20 A. If I could -- if I understand you right.  
 21 Q. What about, why did you arrange for corporate  
 22 credit cards to be issued to Mr. Alonzo and his wife?  
 23 A. Oh, yeah. I didn't recommend -- when we went  
 24 to the coal mine?  
 25 Q. Uh-huh.

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1 A: He couldn't rent a car. He didn't have a  
2 credit card.  
3 Q: All right.  
4 A: So he asked me if I could get a credit card.  
5 Q: Okay.  
6 A: And I told him no.  
7 Q: All right.  
8 A: And he asked me why. And I told him the whole  
9 situation about my Ohio situation. I told him my  
10 situation here and --  
11 Q: Did you tell him about Colorado?  
12 A: I told him about Colorado.  
13 Q: Okay.  
14 A: He knew the whole thing. He told me that --  
15 that he recommend -- he knew out of this and -- and  
16 that he would file a RICO act or something against the  
17 bank he owns, is what he told me, because of the way it  
18 worked out. And you -- we can do a three-way. I told  
19 him, I said, look, whatever I owe I want to make my  
20 life clean and back to where I want to be again normal,  
21 is what I told him.  
22 Ron his partner said that he knows the banking  
23 business. He knew the banking business. Does whatever  
24 he does. And he said what was done to me was illegal  
25 and he could help me find an attorney to do a multiple

1 that credit card?  
2 A: To a airplane company that they -- or another  
3 company, a fuel company. I don't know what -- what  
4 they did, how it was. But the attorney in Louisiana's  
5 handling that.  
6 Q: All right. So, first of all, what -- what  
7 type of credit card? What bank or what credit card?  
8 A: It was American Express.  
9 Q: All right. So Kate arranges for an American  
10 Express card to be issued to Phoenix, but in her name,  
11 and she's going to be responsible for the bill?  
12 A: That wasn't the agreement.  
13 Q: What was the agreement?  
14 A: Paul said that -- because she wouldn't -- she  
15 didn't want the bills to go there. She wanted them to  
16 go to her because it was her credit.  
17 Q: Okay.  
18 A: And they was to pay them and she wanted a copy  
19 of it.  
20 Q: So how would the bill -- if the bills were  
21 going to go to your wife Kate how was the bill supposed  
22 to be paid by Phoenix? She was supposed to send them  
23 to them?  
24 A: She would. She did. The first one they paid.  
25 Q: All right. How much was that?

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1 things, and I didn't go that route. And then -- where  
2 was I at?  
3 Q: So you didn't arrange for any corporate credit  
4 cards to be issued?  
5 A: I did. So I asked Kate -- because, you see --  
6 if she would get him a credit card for Phoenix. And  
7 she was -- was really opposed to it. She didn't want  
8 to do it.  
9 Q: But she did it anyway because you asked --  
10 A: I'm sorry?  
11 Q: But she did it anyway because you asked her  
12 to?  
13 A: I -- because they seemed like they was nice  
14 people. We didn't -- I didn't know to the tune what  
15 everything was -- it was about until later.  
16 Q: Bottom line is, at your request Kate arranged  
17 for a credit card to be issued?  
18 A: Kate -- Kate got a credit card in her credit,  
19 her name, for Phoenix.  
20 Q: When was that?  
21 A: I don't know the exact date, but Paul Alonzo's  
22 wife put ninety-some thousand -- or I don't know the  
23 exact amount of money; 10,000, 10,000, 10,000, 10,000  
24 all in one day.  
25 Q: So they charged a bunch of \$10,000 charges to

1 A: Like \$3,000 I think.  
2 Q: All right.  
3 A: Might have been a little bit more. But it was  
4 in -- in that area.  
5 Q: All right.  
6 A: And the next one was ninety-some thousand.  
7 Q: All right.  
8 A: And they wrote a bad check.  
9 Q: And these were charges that were placed  
10 against the card?  
11 A: On Paul's wife.  
12 Q: Not you?  
13 A: I had a few, yes.  
14 Q: What did you -- what charges did you have?  
15 A: He would cover my expenses. He said for  
16 them -- whatever I wanted to -- you know, within  
17 reason, for giving him a card.  
18 Q: So did you have a card to use as well?  
19 A: I did.  
20 Q: And it was a Phoenix card, but it was in your  
21 wife's name, and the bills were going to your wife?  
22 A: It was a Phoenix card with her credit going to  
23 her -- to her address, that's correct.  
24 Q: And Alonzo and his wife had one and you had  
25 one?



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1 A. That's correct. Well, Kate had -- had the  
 2 primary card.  
 3 Q. So there's three cards?  
 4 A. No. There was Kate, me, Johnny Zornes, my  
 5 son, myself. I -- I don't know. There was Paul, his  
 6 wife, me, Kate, and my boy. I think that's all of  
 7 them.  
 8 Q. All right. So everybody's got a card and all  
 9 the bills are supposed to go to Kate and then --  
 10 A. That's correct.  
 11 Q. -- Kate's going to send the bills to Phoenix  
 12 and Phoenix is supposed to pay them all?  
 13 A. That's correct.  
 14 Q. Why would Phoenix be paying bills for your  
 15 son?  
 16 A. Why would Phoenix pay bills for my son?  
 17 Q. Yes.  
 18 A. Why would they pay bills for my son.  
 19 Q. Yeah. Why would they do that?  
 20 A. Because that was Paul's agreement.  
 21 Q. Paul agreed to pay your son's bills?  
 22 A. Up to \$1500 a month.  
 23 Q. And how much per month was he going to pay of  
 24 yours?  
 25 A. \$3,000 I think it was.

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1 Q. How much of Kate's?  
 2 A. Kate never used it.  
 3 Q. Okay.  
 4 A. But he didn't -- he never specified. But he  
 5 told me he didn't want Michael to go over \$1500.  
 6 Q. Okay.  
 7 A. And then he was wanting Mike, when he got out  
 8 of college, to do this, to do that. It was just --  
 9 Q. So how long did that arrangement last?  
 10 A. Not long.  
 11 Q. A month? Two months? Six months? A year?  
 12 A. She got the credit card. They paid the first  
 13 one. I resigned, told them not to use the card no  
 14 more. They have it -- we -- we have it on tape where  
 15 he -- he left me a message; Mike, let's work things  
 16 out, everything's okay, I'll get the money to them, and  
 17 da, da, da, da. Didn't work and he didn't pay it. And  
 18 then --  
 19 Q. You said -- you -- well, let's stop.  
 20 A. Okay.  
 21 Q. You said you resigned. You resigned from  
 22 what?  
 23 A. I resigned from anything that I had to do with  
 24 them people.  
 25 Q. Why?

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1 A. Because they wasn't paying anybody. They was  
 2 cheating everybody. And, you know, I got in trouble,  
 3 in a situation like this, and I wasn't getting in no  
 4 more trouble.  
 5 Q. So even though you weren't working for them  
 6 you resigned?  
 7 A. I'm sorry?  
 8 Q. You told me earlier in the deposition that you  
 9 were not an employee of --  
 10 A. I am not an -- I was not an employee of  
 11 Phoenix, no.  
 12 Q. But you resigned?  
 13 A. That's correct.  
 14 Q. Okay. And then after you resigned they  
 15 refused to pay the second bills?  
 16 A. No, they didn't refuse. They paid it, but the  
 17 check bounced.  
 18 Q. So they paid -- how -- how much was the check;  
 19 \$89,000?  
 20 A. It was somewhere in that neighborhood, yes,  
 21 sir.  
 22 Q. And then the check bounced?  
 23 A. That's correct.  
 24 Q. All right. So who paid the bill?  
 25 A. Kate. It's on Kate -- Kate's responsibility

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1 they said.  
 2 Q. So it's Kate's. Kate has paid that bill then  
 3 to American Express?  
 4 A. Kate has made the payments to that card, yes,  
 5 I believe. I'm sure. I mean, she's -- she's -- her --  
 6 she's impeccable with that.  
 7 Q. All right. Has the card been used since then?  
 8 A. Absolutely not. No, I don't think so, because  
 9 she had them closed.  
 10 Q. What'd you do with your card?  
 11 A. What'd I do with it?  
 12 Q. Yeah.  
 13 A. It's tore up.  
 14 Q. What'd your son do with his?  
 15 A. I assume -- none of them are no good. No  
 16 cards are any good.  
 17 Q. But what'd he do with the card?  
 18 A. I'm sure he threw it away. I don't know what  
 19 Phoenix did with theirs.  
 20 Q. Is that the last dealing you had with Phoenix?  
 21 A. Was that the last dealing I had with Phoenix  
 22 after that? No. Paul wanted to try to work things  
 23 out.  
 24 Q. So what else did you do?  
 25 A. Work wise?

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Q. With Phoenix.

A. They -- they had a concrete deal come. I had no idea how to -- it was billions of tons, or whatever, I have no idea, that they -- everything was in the billions with them.

Q. What about it?

A. They couldn't get a bond. They couldn't -- they couldn't get anything that it took to do the project.

Q. Uh-huh.

A. And Vince wasn't going to co-sign or do nothing for them.

Q. What's Vince got to do with their concrete and you?

A. No, it's -- they -- it was -- they was going to export material to another country or something, they told me.

Q. Okay. So what happened?

A. They didn't have the means. When they called to check on their banking status and stuff the people that was doing the research on their company, their banker, said that absolutely not, they wouldn't do no business with them, that he was closing their account for a hundred and some bad checks in less than whatever days. I have no idea. But a guy named Peter was in

Inc.

A. What is it?

Q. All this is --

A. That's not called that. It was APG, Inc.

Q. Yes.

A. And Vince owns APG, Inc. There was no acquisition, or whatever that was.

Q. So Vince never sold APG, Inc., to Phoenix?

A. No. Well, I don't think so. He may have. If he did I -- then -- then I'm wrong.

Q. APG, Inc.'s located at 820 Highway 11 in Picayune, P-i-c-a-y-u-n-e, Mississippi; right?

A. It's in Mississippi. I don't know the exact address.

Q. What -- what business of any have you done with that company?

A. Such as what?

Q. What have you done with them? Anything.

A. Again, like --

Q. Anything.

A. I -- I don't understand what you're saying.

Q. What business have you done with APG, Inc., of any kind?

A. Pretty much not too much. I mean --

Q. What?

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charge of that. And he is from -- Peter is from New Jersey, I think.

Q. And what about Peter from New Jersey, what's he got to do with this?

A. Well, he was a broker that was working with Phoenix.

Q. So what happened? I mean, I -- what -- what's --

A. They -- they -- their financing, none of their stuff was what it was supposed to be.

Q. So you didn't do any work with them on this?

A. You couldn't.

Q. Okay. So what -- what's the next thing you did with Phoenix?

A. To me, I think -- I think that was the last thing, I think.

Q. What about APG, Inc.?

A. Phoenix has nothing to do with APG, Inc.

Q. Really?

A. Absolutely, 100 million percent.

Q. So when the press release is issued --

A. That's a lie again.

Q. Oh. Let me finish. There's a press release on August the 7th of 2007 saying that Phoenix Associate Land Syndicates today announced the acquisition of APG,

A. -- Vince is not -- I mean --

Q. What business?

A. The company was bought so Vince could have oil, direct oil, to -- to the stone pit.

Q. What business have you done with APG, Inc.?

A. I don't -- I don't know what you mean by that.  
MR. SCHNITTKE: Did you do any work for them?

THE WITNESS: I helped Vince down there, yes.

MR. SCHNITTKE: Well, that's what he's trying to find out.

THE WITNESS: Okay. If you ask me if I helped Vince, yeah, I helped Vince.

MR. SCHNITTKE: What'd you do?

THE WITNESS: Checked the tanks for him and told him that he -- he needed to get some tank trucks to go into the bulk industry, because that's what it is. It's a bulk plant.

Q. What else?

A. That's pretty much about all I done.

Q. Where were you living when you were doing all this work?

A. Where was I living?

Q. Yeah, in Louisiana.

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1 A. I wasn't living in Louisiana.  
2 Q. Well, you're over there in Louisiana doing all  
3 this stuff.  
4 A. Well, I'd stay --  
5 Q. Where'd you stay?  
6 A. I'd stay at a motel.  
7 Q. What motel?  
8 A. When I was with Phoenix they put us up in a  
9 motel called -- I don't know what the name of the motel  
10 was. I know where it is over there.  
11 Q. Where?  
12 A. Go off the highway, make the loop. It's in  
13 the back. It's not a very -- it's a pretty new motel.  
14 Q. Louisiana, or Mississippi?  
15 A. That's Louisiana.  
16 Q. What city?  
17 A. Louisiana and Mississippi's very close.  
18 Q. I understand that. So where in Louisiana?  
19 A. About 15 minutes from their corporate office.  
20 Q. All right. So you'd stay there when you were  
21 with --  
22 A. Phoenix.  
23 Q. Phoenix.  
24 A. But as I'd -- I mean, I'd only be there like  
25 one or two nights and then I would go back to Florida.

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1 Q. All right.  
2 A. Maybe three nights. And then sometimes  
3 longer, sometimes less.  
4 Q. And what paid those bills?  
5 A. It wasn't Phoenix bill. I don't know if  
6 anybody paid them then.  
7 Q. You didn't pay them?  
8 A. No, I did not.  
9 Q. No.  
10 Where else did you stay? After you'd left  
11 Phoenix where'd you start -- when you were work --  
12 working with Vince down there now where are you stay?  
13 A. Where did I stay? Huh. I don't know the name  
14 of the motel.  
15 Q. What state?  
16 A. It'd of been in Louisiana.  
17 Q. Not the same one you stayed when you were with  
18 Phoenix?  
19 A. I may have. I'm trying to remember, because  
20 that's -- that -- that wasn't the only motel.  
21 Q. Who's paying the bills?  
22 A. It'd of been Vince.  
23 Q. Does Vince also pay you a salary?  
24 A. No.  
25 Q. Why not?

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1 A. Why would he?  
2 Q. Because you're doing work for him.  
3 A. What do you mean I'm doing work for him?  
4 Q. You just told me you were checking tanks for  
5 him, you were --  
6 A. Yeah, I checked the tanks over there. They're  
7 above ground tanks. They're not below ground -- ground  
8 tanks.  
9 Q. And he doesn't pay you for that?  
10 A. No, I didn't.  
11 Q. Why do you go do it?  
12 A. He's a friend of mine.  
13 Q. How do you get back and forth from Florida to  
14 Louisiana to do this for him?  
15 A. Well, I flew.  
16 Q. Who paid for the flight?  
17 A. Kate.  
18 Q. Why would Kate pay for a flight for you to go  
19 over to Louisiana to check some tanks for Vince if  
20 Vince doesn't -- not going to pay you for that?  
21 A. Because, actually -- well, I had a crushing  
22 opportunity to do there.  
23 Q. Uh-huh.  
24 A. Is what I was going to do.  
25 Q. What happened?

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1 A. It never went through.  
2 Q. Who was the opportunity with?  
3 A. It was with Saint -- no, it's -- it may have  
4 been Plaquemines. It may have been called Plaquemines  
5 Parish.  
6 Q. What --  
7 A. The president of the thing is -- I know his  
8 name. His name's Billy Nungesser.  
9 Q. Billy Nungesser. And Billy had some crushing  
10 work that he wanted you to do?  
11 A. Right.  
12 Q. For his company, you think?  
13 A. No, it's not a company. He's -- he's like the  
14 president of that area.  
15 Q. So it's a political entity, the -- the parish?  
16 A. That's correct.  
17 Q. Yeah. So it's -- and Billy Nungesser somehow  
18 is involved with that parish?  
19 A. He's the main man.  
20 Q. Okay. And he wanted to do some crush -- he  
21 wanted you to do some crushing work, so you came out  
22 and looked at it?  
23 A. That's correct.  
24 Q. And what happened?  
25 A. Well, I didn't -- I didn't have all the

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1 equipment.  
2 Q. So you didn't get the job?  
3 A. The job's still available if I could get the  
4 equipment, that is correct.  
5 I have a job in Bellaire, Ohio to do right now  
6 if I had the equipment. I could start on it tomorrow.  
7 I know I'm going back down Saturday to talk to Roger  
8 Barrick. That's how -- that's where the Jumbo Eagle  
9 is.  
10 Q. All right.  
11 A. That's why I asked you on the telephone if --  
12 if I could raise \$50,000 and you let me use that  
13 crusher, I'll have Roger make the payments directly to  
14 you and I can get that done.  
15 Q. You never mentioned anything like that to me.  
16 A. No, I asked you if I -- if you'd take \$50,000  
17 and I could get the crusher.  
18 Q. All right. In any event, so you -- you went  
19 down to this parish that you can't remember the name  
20 of --  
21 A. No, I told you the name. I -- it's Billy  
22 Nungesser.  
23 Q. That's the name of the guy but you don't  
24 remember the name of parish.  
25 A. I don't. It's --

1 A. Uh-huh.  
2 Q. What about ATP Gas, what business have you  
3 done with them?  
4 A. Who is it?  
5 Q. ATP Gas.  
6 A. I never heard of ATP Gas.  
7 Q. Mr. Guizerix, G-u-i-z-e-r-i-x.  
8 A. That's APG you mean.  
9 Q. APG. Sorry.  
10 A. Yeah. It's not ATG.  
11 Q. Sorry. APG. What about them?  
12 A. That's -- that is APG. That's the bulk plant.  
13 Q. That Vince buys his oil from?  
14 A. No. That's who -- that's who he bought the  
15 company from.  
16 Q. Oh, he bought it from them. So Vince bought  
17 it from them?  
18 A. Right.  
19 Q. And what did you have to do with that?  
20 Anything?  
21 A. What do you mean what did I have to do with  
22 it?  
23 Q. What involvement did you have in Vince's  
24 purchase of APG Gas?  
25 A. Just went over everything with him when he was

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1 Q. All right.  
2 A. It's at the end of -- it's way down at the  
3 end.  
4 Q. All right. And because you don't have the  
5 equipment you didn't do -- you can't get the job yet?  
6 A. That's correct.  
7 Q. And your wife paid for that flight?  
8 A. That's correct.  
9 Q. You flew commercial that time?  
10 A. Yes, sir.  
11 Q. All right. What other business have you done  
12 in that Louisiana/Mississippi area?  
13 A. I don't know of any of them.  
14 Q. Well, what business did you do with Retif Oil?  
15 A. What did I do with Retif Oil?  
16 Q. Yes.  
17 A. I don't do anything. Vince did the work for  
18 Retif Oil.  
19 Q. What did Vince do with Retif Oil?  
20 A. That's where he bought his oil from.  
21 Q. What kind of oil does he buy? Wholesale, you  
22 mean?  
23 A. Oil where he was at the pit and oil for the  
24 bulk plant.  
25 Q. All right. So that's who he buys from.

1 buying it.  
2 Q. What do you mean by that?  
3 A. Just what I said. I mean --  
4 Q. What do you -- what did you go over?  
5 A. I used to have an oil company.  
6 Q. Yes.  
7 A. I used to own Belmont Oil.  
8 Q. Yes.  
9 A. Okay.  
10 Q. So what'd you go over?  
11 A. Well --  
12 Q. Books?  
13 A. No.  
14 Q. Records?  
15 A. We went over the tanks to make sure -- I'm  
16 not -- I'm not a book kind of guy.  
17 Q. All right.  
18 A. I'm a hands-on kind of guy.  
19 Q. I'm still trying to figure out what you went  
20 over with him.  
21 A. Chair -- you're trying to make it look like  
22 I'm --  
23 Q. No, I'm trying --  
24 A. Yeah, you --  
25 Q. -- to say what did you do when you say you

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1 went over things?

2 A. Well, I mean, made sure that the tanks was

3 okay, the electrical, what he was going to need, and

4 things like that.

5 Q. Who signed the deal to buy APG Gas? Who was

6 going to buy it?

7 A. What do you mean who signs the deal?

8 Q. Well, Vince is going to buy APG Gas, according

9 to you.

10 A. It is APG.

11 Q. All right. And he's going to buy it?

12 A. He bought it.

13 Q. And he bought it from who?

14 A. APG. He bought everything from APG.

15 Q. Who was APG? Who was the individual;

16 Mr. Guizerix?

17 A. Yes.

18 Q. All right.

19 A. If that's his name.

20 Q. All right. So Vince is going to buy it from

21 Guizerix?

22 A. Vince did buy it.

23 Q. All right. Is there a written document that

24 exists?

25 A. I don't know.

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1 Q. You don't know anything about that?

2 A. The written -- what -- what Vince has?

3 Q. Correct.

4 A. I don't know what Vince has.

5 Q. All right. So how long ago did he buy this?

6 A. Maybe three months ago.

7 Q. Okay. And --

8 A. I could be wrong. It could have been four.

9 Q. All right, that range. Couple, three, four

10 months ago?

11 A. Or six. I -- I'm not for sure.

12 Q. All right. Was there a gas station associated

13 with that as well?

14 A. That is the bulk plant.

15 Q. No. I'm mean a place where people can pull up

16 and buy gas.

17 A. Yeah, that's the bulk plant.

18 Q. All right. So people can buy -- can come up

19 to the bulk plant and they can buy gas for their car?

20 A. That's correct.

21 Q. All right. And --

22 A. And a car wash there, too.

23 Q. All right.

24 A. The car wash is broke.

25 Q. Where's it located?

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1 A. In Mississippi.

2 Q. On?

3 A. Everything -- all is at that address you said.

4 Q. In Picayune, Mississippi?

5 A. That's correct.

6 Q. Off of Highway 59?

7 A. That's correct.

8 Q. Exit 4?

9 A. I don't know.

10 Q. That's where you were storing the Hazemag

11 crusher, right?

12 A. That's where the Hazemag crusher was at,

13 getting painted and cleaned.

14 Q. Why were you storing the Hazemag crusher

15 there?

16 A. Because I was going to do that job down on the

17 parish.

18 Q. Okay. How long had it been there?

19 A. We just pulled it there. It wasn't there --

20 Q. Days? Weeks?

21 A. No, it was longer than that, because I had

22 them scrape it, clean it, paint it.

23 Q. How'd you get it there?

24 A. Pulled it.

25 Q. With what?

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1 A. Tractor/trailer.

2 Q. Whose?

3 A. Continental's.

4 Q. Where's that tractor/trailer now?

5 A. Picayune, Mississippi.

6 Q. Where at in Picayune?

7 A. Somebody broke all the glass out of it. It is

8 in the Picayune, Mississippi auto place.

9 Q. What auto place?

10 A. It's like six buildings up.

11 Q. From the gas station?

12 A. Yes. It's a 1996 Freightliner.

13 Q. Where'd you get it?

14 A. Oh, where did that come from? I've had it.

15 Q. How long?

16 A. Couple years.

17 Q. Well, it's not something you told me about on

18 September 18th, 2006, when I took your deposition so.

19 A. Okay, then it'd of been after that.

20 Q. Where'd you get it?

21 A. I got it from -- I don't know. I -- I -- you

22 have to look on the title.

23 Q. Where's the title?

24 A. The title's in the glove box.

25 Q. Whose name is it in?

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1 A. Continental Industries.  
2 Q. Does Continental Industries own anything else?  
3 A. Continental Industries owns the -- the truck.  
4 There's a conveyor.  
5 Q. Where's that at?  
6 A. In Mississippi.  
7 Q. Where at?  
8 A. Or no, it's -- it's Louisiana, over there.  
9 Q. Where at?  
10 A. It's in a field. I -- I --  
11 Q. Where?  
12 A. I don't know the name of the place over there.  
13 Q. Louisiana is a big state, sir.  
14 A. I know it's -- but it's close to around there.  
15 It's all in that area.  
16 Q. What kind of conveyer is it?  
17 A. It's a 50-30 stacker.  
18 Q. Where'd you get it?  
19 A. Some fab -- fabrication, and we -- we built a  
20 lot of it on it.  
21 Q. Where did you get it?  
22 A. Well, we got it -- I got it in Florida.  
23 Q. Where?  
24 A. I don't know the name of the place. It's --  
25 it's called Metal Fabrication or something stamped on

1 Ohio does Steve Pastor have anything? A company there?  
2 A. National Road. He's like 9 -- 89 years old.  
3 Q. But he's got equipment that you use?  
4 A. I use -- yeah, I use his -- I used his  
5 equipment a lot.  
6 Q. What else does Continental own?  
7 A. Continental -- Continental don't own anything.  
8 United Waste still has stuff.  
9 Q. Well, we were talking about Continental  
10 Industries and you told me they own a 1996 Freightliner  
11 and this 50-30 stacker. What else do they have?  
12 A. I -- I think that's all.  
13 Q. So we were talking about ATP Gas -- or, I'm  
14 sorry, APG Gas in this purchase that was made by Vince.  
15 Did Vince pay the individual that he bought it from for  
16 the APG Gas?  
17 A. I don't know what Vince would of paid.  
18 Q. You didn't have anything to do with that?  
19 A. For the money transaction between them and  
20 Vince, no.  
21 Q. Did you have anything to do with operating the  
22 gas station?  
23 A. No. I told him what to do.  
24 Q. Did you tell him to cut the gas by 10 -- 10  
25 cents a gallon?

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1 the side of it.  
2 Q. Who'd you buy it from?  
3 A. That company, but it's at -- you got to  
4 remember, this is a conveyer that -- it's just a piece  
5 and then we built it to our needs. You know, like I go  
6 to the scrap yard and get metal and things like that.  
7 That's what it is.  
8 Q. Where did you buy the original piece from?  
9 A. I don't know the name of that guy.  
10 Q. How'd you get it to Louisiana?  
11 A. We hauled it.  
12 Q. With what?  
13 A. The Freightliner.  
14 Q. You got a trailer for the Freightliner?  
15 A. I do not have a trailer for the Freightliner.  
16 Q. Well, then how'd you get the conveyor on?  
17 A. I used Steve's trailer.  
18 Q. Steve who?  
19 A. Pastor.  
20 Q. Who's that?  
21 A. He's a friend of mine that has the property in  
22 Bridgeport.  
23 Q. Bridgeport?  
24 A. Ohio.  
25 Q. What -- what -- what -- where in Bridgeport,

1 A. I told him to charge what -- whatever they  
2 paid for it to get customers in there.  
3 Q. Uh-huh. And then you told him to charge it  
4 cash only; right?  
5 A. Excuse me?  
6 Q. You told -- you told that the customers had to  
7 pay cash only; right?  
8 A. Well, no, that's not true. Vince wasn't setup  
9 to do credit cards.  
10 Q. Oh, so that's why you did cash only?  
11 A. It's always been cash only, I believe.  
12 Q. So --  
13 A. But there was other people like charge card.  
14 There were charge accounts there Vince let charge. For  
15 example, Phoenix.  
16 Q. So these -- Vince buys the gas station, takes  
17 cash only from the customers. What happened to the  
18 cash?  
19 A. Everything went to the bank, I would assume.  
20 Q. What bank?  
21 A. Right there in Picayune, Mississippi.  
22 Q. Which bank?  
23 A. If you're at the -- if you're at the oil  
24 company --  
25 Q. Uh-huh.

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1 A. -- if you was standing right in front of the  
2 oil company and go straight up that road, it's on the  
3 left-hand side.  
4 Q. What's the name of it?  
5 A. I don't know the name of it.  
6 Q. How do you know that he -- he banks there?  
7 A. I'm sorry?  
8 Q. How do you know that Vince banks at that place  
9 in Picayune, Mississippi that you just described?  
10 A. How do I know that?  
11 Q. Yeah.  
12 A. Because I rode over there with him.  
13 Q. How long did he operate --  
14 MR. BECKER: We need to go off the record  
15 because he needs to change the tape.  
16 THE WITNESS: Okay.  
17 VIDEOGRAPHER: We're going off the record  
18 at 2:48:49.  
19 ---  
20 Off the record.  
21 ---  
22 VIDEOGRAPHER: We're going back on the  
23 record at 3:06:27. Go right ahead.  
24 BY MR. BECKER:  
25 Q. We were talking about this purchase of the gas

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1 station by Mr. Promuto and your involvement in helping  
2 him with that. And you were telling me that customers  
3 were paying cash.  
4 A. Or check.  
5 Q. Or check. And your assumption is that  
6 Mr. Promuto took all that money to the bank down the  
7 road from the gas station?  
8 A. That's correct.  
9 Q. Because you'd been to that bank with him  
10 before?  
11 A. That's correct.  
12 Q. You didn't get any money from this?  
13 A. Absolutely not.  
14 Q. Nothing?  
15 A. Absolutely not.  
16 Q. Not a dime?  
17 A. Not a dime.  
18 Q. Okay. And you had -- were you pumping gas?  
19 A. No. They pump their own.  
20 Q. Well, was you there taking the cash from the  
21 people?  
22 A. No.  
23 Q. You didn't work that gas station?  
24 A. I did not take no cash from that gas station.  
25 Q. Did you work the gas station?

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1 A. I -- make it in a different way, please.  
2 Q. Well, tell me what you did.  
3 A. I did -- I checked the tanks, checked the  
4 electrical and things like that. That's what I did.  
5 Q. If a customer came in and pumped his gas and  
6 came in to pay for it did you take the money?  
7 A. Absolutely not.  
8 Q. You didn't run the cash register?  
9 A. No.  
10 Q. Nothing to do with that?  
11 A. No.  
12 Q. Who's Robert Couvillion, C-o-u-v-i-l-i-o-n?  
13 A. He's supposedly -- I'm only going by what I  
14 was told -- supposedly be the head of security and  
15 bodyguard for Ron and Paul at Phoenix.  
16 Q. Have you met him?  
17 A. Oh, yeah.  
18 Q. What was your interaction with him?  
19 A. What do you mean what was my interaction?  
20 Q. You met him. What -- why did you meet him and  
21 what -- what happened?  
22 A. Well, because he -- he was at the office -- or  
23 supposedly -- and Ron's wife's bodyguard.  
24 Q. So that's -- but you just said hi to the guy  
25 and that's it?

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1 A. I didn't do any dealings with him.  
2 Q. No dealings with him?  
3 A. No.  
4 Q. No conversations with him --  
5 A. Oh, I had conversation.  
6 Q. -- about your background?  
7 A. Excuse me?  
8 Q. About your background?  
9 A. About my background?  
10 Q. Yes, sir.  
11 A. No. It was between Paul and Ron.  
12 Q. You never talked to Bobby about it?  
13 A. No, I didn't.  
14 Q. What about Dawn Schlicher, who's that?  
15 S-c-h-l-i-c-h-e-r?  
16 MR. SCHNITKE: Is that a man, or a woman?  
17 MR. BECKER: It's a woman. Dawn  
18 Schlicher.  
19 A. Oh, Dawn works at Phoenix.  
20 Q. Yeah. Who is she?  
21 A. She worked at Phoenix.  
22 Q. What interaction did you have with Dawn?  
23 A. What do you mean what interaction did I have  
24 with Dawn? I had no interaction.  
25 Q. No intersection with Dawn?

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1 A. She worked at Phoenix.  
2 Q. All right.  
3 A. She quit Phoenix because of whatever Phoenix  
4 was doing. She did payroll.  
5 Q. How do you know her?  
6 A. Because she worked at Phoenix.  
7 Q. All right. Phoenix is a big place. You know  
8 everybody that works at Phoenix?  
9 A. Well, Pat at the front desk. Ron sat in the  
10 back.  
11 Q. All right. Did Dawn ever give you any  
12 information about any banking or credit information on  
13 Phoenix?  
14 A. Never.  
15 Q. Never passed you any information?  
16 A. Absolutely not.  
17 Q. You never worked with Dawn to make  
18 arrangements to obtain money from Phoenix or their bank  
19 accounts?  
20 A. I'll --  
21 MR. SCHNITTKE: Before you answer that  
22 question let me talk -- can I talk to him off the  
23 record?  
24 MR. BECKER: Sure.  
25 VIDEOGRAPHER: We're going off the record

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1 at 3:09:39.  
2 ---  
3 Off the record.  
4  
5 VIDEOGRAPHER: We're going back on the  
6 record at 3:14:57. Go right ahead.  
7 BY MR. BECKER:  
8 Q. We were talking about Dawn Schlicher and what  
9 you've been doing with Dawn.  
10 A. I believe you asked me if she gave me any  
11 records or anything for Phoenix.  
12 Q. Yes.  
13 A. And the answer is no. Before I answer --  
14 answer anymore questions regarding Phoenix -- I'm not  
15 going to answer anymore until Attorney Mike Fowler  
16 calls me back.  
17 Q. Well, we'll put that on hold for now.  
18 Let's talk about Colorado, in terms of the  
19 payments that have been made out there. You've paid  
20 them, as I understand it, \$250,000 since about  
21 September of '07; correct?  
22 A. I didn't pay them. My wife paid them.  
23 Q. Well, how did that occur? What account did  
24 she pay it out of and where did it go to?  
25 A. It went out of her account.

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1 Q. Which account?  
2 A. I don't know. I -- I don't know what account  
3 she took it out of. It's her money.  
4 Q. All right. Did she wire it? Did she send  
5 them a check? Did she send --  
6 A. Oh, she --  
7 Q. -- cash?  
8 A. She -- it was a bank to bank.  
9 Q. So a bank to bank and from one -- which bank  
10 does she bank at?  
11 A. Regions.  
12 Q. Regions. All right. So from Regions Bank a  
13 wire goes to where?  
14 A. To the -- Eric.  
15 Q. Your lawyer in Colorado?  
16 A. Correct.  
17 Q. Why'd you do it that way?  
18 A. Because I had -- had to make 50,000 payments.  
19 Q. Well, why didn't you just pay it directly to  
20 the clerk in Colorado?  
21 A. I don't know.  
22 Q. Well, you did that for the first four  
23 transactions. So the first \$200,000, in \$50,000  
24 increments, you wired your -- there was a wire  
25 transaction that went from -- you're saying -- your

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1 wife's Regions' account to your Colorado lawyer, Eric  
2 Knouse's account, and then Eric's account would wire it  
3 to the clerk in Colorado; correct?  
4 A. If that's the way it went.  
5 Q. But then the last \$50,000 payment you didn't  
6 do it that way. Why not?  
7 A. I don't know.  
8 Q. Where did it -- how did it occur the last  
9 time? Where did it go -- where did it come from and  
10 where did it go to?  
11 A. It came from my wife.  
12 Q. All right. Same Regions account?  
13 A. I would assume.  
14 Q. All right. Where -- where did it go to?  
15 A. To wherever it was supposed to go to.  
16 Q. Why didn't it go to Eric's?  
17 A. I don't know that.  
18 Q. Well, who directed it?  
19 A. Excuse me?  
20 Q. Who made the decision on about where to send  
21 it?  
22 A. I don't know.  
23 Q. People are just paying \$50,000 on your behalf  
24 and you don't know anything about it?  
25 A. Yeah, it was to reduce my -- the monies that I



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1 agreed to pay them.  
2 Q. Oh, I understand. It's due -- it's to go to  
3 pay the restitution of the \$500,000 plus that you owe  
4 out in Colorado. But you're telling me, as you sit  
5 here today under oath, that a \$50,000 payment went from  
6 your wife's account and you don't know where it went or  
7 why it went that way?  
8 A. If that's the way we was directed to do it  
9 that's the way we did it.  
10 Q. Well, the first four payments went to your  
11 lawyer. I --  
12 A. Okay.  
13 Q. -- want to know why the last one didn't go to  
14 your lawyer.  
15 A. I don't know why.  
16 Q. Well, who made the decision?  
17 A. I -- I don't know.  
18 Q. When's your payments due?  
19 A. I don't know that, either. Eric will call me  
20 and tell me.  
21 Q. You were in the courtroom when it was ordered;  
22 right? The judge was talking to you; right?  
23 A. I was in a courtroom?  
24 Q. Yes, when you got sentenced.  
25 A. I got sentenced?

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1 Q. Yes, sir, in Colorado.  
2 A. Okay.  
3 Q. I'm reading the Colorado minutes from that  
4 transaction.  
5 A. I didn't get sentenced. I got probation.  
6 Q. That's part of your sentence. And you were  
7 also ordered to pay restitution; right?  
8 A. Well, you just said that I got sentenced.  
9 Q. Sentenced. Your sentence was you --  
10 A. I got probation.  
11 Q. -- got jail time.  
12 A. No, I didn't.  
13 Q. Let me finish my question, okay.  
14 They sentenced you to jail, but then they said  
15 we won't send you to jail as long as you pay the  
16 restitution and do the other things that we require.  
17 A. That's correct.  
18 Q. All right. And when they told you all that  
19 they also told you that your payments were due on the  
20 25th of each month; right?  
21 A. I don't know what the dates was, no, because  
22 Eric would call and say when a payment had to be made.  
23 Q. Well, it says right here it's due on the 25th  
24 of each month. And that's today; right? Today's  
25 January 25th.

1 A. Okay.  
2 Q. Did you pay your 25 -- or your \$50,000 today?  
3 A. There -- there's --  
4 MR. SCHNITTKE: Tell him what happened.  
5 It's not going to hurt you.  
6 A. I don't owe them nothing.  
7 Q. What do you mean you don't owe them nothing?  
8 A. They was paid off.  
9 Q. When?  
10 A. Yesterday.  
11 Q. How?  
12 A. My wife paid them off.  
13 Q. How?  
14 A. What do you mean how?  
15 Q. Where did the money come from?  
16 A. From her.  
17 Q. Where? From her Regions' account?  
18 A. Yes.  
19 Q. How much did she pay?  
20 A. Whatever the balance was.  
21 Q. Who did she pay it to?  
22 A. To -- to the people.  
23 Q. Who?  
24 A. I -- I don't know. It was paid off.  
25 Q. You got any documents to that affect?

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1 A. I don't, but I'm sure that I can get some.  
2 Q. You didn't bring any of those documents, even  
3 though that's a debt that you owe; right? It's not  
4 your wife's debt; right? You owe --  
5 A. That's correct.  
6 Q. -- that money.  
7 And she paid it for you.  
8 A. That's correct.  
9 Q. Along with all these other payments.  
10 A. Correct.  
11 Q. And we've asked for those documents and you  
12 didn't bring any of them.  
13 A. Why would I get a document?  
14 Q. Because you didn't -- because you're required  
15 to, sir.  
16 A. I said where -- where would I get the document  
17 from?  
18 Q. From your wife. The one that's paying the  
19 \$500,000 for you.  
20 A. I understand that.  
21 Q. Well, why didn't you bring it to me?  
22 A. I didn't know I was supposed to bring that  
23 document.  
24 Q. We will reconvene this deposition then when  
25 you have the records that we're entitled to see.

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1 A. What's that mean?  
2 Q. That means we'll come back and do this again  
3 when you bring me the records so I can look at them.  
4 A. Okay. If you get me a list of what to get.  
5 Q. I did give you a list.  
6 A. But I -- I -- I can't read. If --  
7 Q. Your lawyers can. Both of them. And they  
8 both have it. And they've had it for quite a while.  
9 A. Okay, I'm unaware. I will show it -- if you  
10 will give it to me I will have it faxed to you.  
11 Q. Your lawyer already has it. I don't need to  
12 give it to you.  
13 A. Okay.  
14 Q. He's got it already.  
15 Let's keep going. So you're telling me right  
16 now that you no longer owe any money in restitution in  
17 Colorado?  
18 A. That's correct.  
19 Q. You're still on probation?  
20 A. That's correct.  
21 Q. Who's your probation officer?  
22 A. I don't know yet. They haven't assigned it  
23 yet.  
24 Q. You've been dealing with Mary Totho; right?  
25 A. Yes.

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1 Q. All right. And you had an interview with her;  
2 right?  
3 A. That's correct.  
4 Q. Why weren't you allowed to leave Colorado?  
5 A. What do you mean why wasn't I allowed?  
6 Q. Last week, you said you couldn't leave  
7 Colorado. Why not?  
8 A. Because I had to have -- they couldn't give me  
9 a travel permit until either -- I could either come  
10 to -- for Ohio, to be in -- my probation, come to Ohio,  
11 or stay in Colorado.  
12 Q. And Ohio rejected you; right?  
13 A. Ohio didn't accept me.  
14 Q. All right. So what's your status right now on  
15 probation? Do you have to go back to Colorado?  
16 A. Yes.  
17 Q. When do you have to be back?  
18 A. As of right now I have to be back on this date  
19 (indicating).  
20 Q. Which is?  
21 A. Here (indicating).  
22 Q. I'm looking at your travel permit. Says  
23 you're leaving January the 28th, 2008, and you're  
24 returning February 1st, 2008. So you're going back to  
25 Colorado on February 1st --

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1 A. I -- I have to.  
2 Q. -- by that date?  
3 A. Yes.  
4 Q. But usually -- they're going to let you do a  
5 layover in Tampa, Florida. So you're going back home  
6 first?  
7 A. That's correct.  
8 Q. Did you go home on the way here, or did you --  
9 are you going home on the way back?  
10 A. I went home on the way up and I'm going home  
11 on the way back.  
12 MR. BECKER: Can we get a copy of that  
13 later?  
14 MR. SCHNITTKE: (Nods affirmatively.)  
15 Can I have that? Better keep it out.  
16 THE WITNESS: What's that.  
17 MR. SCHNITTKE: I'll make -- I'll make a  
18 copy for him.  
19 Q. Who's paying your cell phone bills?  
20 A. It's my wife's.  
21 Q. So the bills go to the house?  
22 A. That's correct.  
23 Q. What --  
24 A. I assume.  
25 Q. What bill -- what provider?

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1 A. Nextel.  
2 Q. And how are you going to do the job in  
3 Bellaire, Ohio if you're going to be in Colorado?  
4 A. Because Eric is filing a whatchamacallit --  
5 some kind of paperwork for me to come to Ohio to do  
6 this job, as it says on my paperwork, to make  
7 restitution for Ohio and to get the bank paid.  
8 Q. So --  
9 A. That was the terms and conditions.  
10 Q. So the deal was, is as long as you pay off  
11 everything you owed in Colorado they'd let you leave?  
12 A. That's not the deal, no.  
13 Q. I mean, why'd you pay them off?  
14 A. What do you mean why'd I pay them off?  
15 Q. Why'd you pay them all that money yesterday  
16 instead of continuing to pay them \$50,000 a month?  
17 A. Because I want to get everything behind me and  
18 live a normal life again.  
19 Q. Why didn't you pay us?  
20 A. I'm going to. I'm trying -- I just asked  
21 Mr. Danford, as he's been very cooperative, how the  
22 breakdown was, and he was explaining it to me, and what  
23 I need to do to get a piece of machinery back, and how  
24 much that I could pay you and get moving forward. And  
25 Mr. Danford's in the room right now and I've asked that

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1 multiple times.  
2 Q. Well --  
3 A. And that was the terms and conditions.  
4 Q. My point is -- my question is, you've owed  
5 me -- my client this money for quite some time. You've  
6 not paid a dime on it. And yet, you've paid -- coming  
7 into today I thought you'd paid \$250,000 to Colorado.  
8 Now I understand you've paid probably over \$500,000 to  
9 Colorado. And yet, you still haven't paid us a dime.  
10 My question to you is, why would you pay  
11 Colorado \$250,000 yesterday, supposedly, or more, when  
12 you could of just paid them \$50,000 a month, like you  
13 have been for the past four months? Why'd you do that?  
14 A. Because I want to get everybody paid off.  
15 Q. It's not got anything to do with the fact that  
16 that's how you can get released from staying in  
17 Colorado?  
18 A. No.  
19 Q. Okay.  
20 A. Not to my knowledge.  
21 Q. So --  
22 A. I have to be back here on February 1st -- or  
23 February something with Sam.  
24 Q. To be sentenced in the Franklin County, Ohio  
25 case?

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1 A. That's correct.  
2 Q. And then you have a trial in March in Licking  
3 County, Ohio; right?  
4 A. That's correct.  
5 Q. So when are you going to pay us the \$367,000  
6 plus interest that you owe us because you want to get  
7 all this behind you?  
8 A. I -- that's why I was asking Mr. Danford if he  
9 would workout some kind of -- of arrangement so I can  
10 get a machine --  
11 Q. Why don't --  
12 A. -- and get --  
13 Q. -- you just pay us cash like you did Colorado?  
14 You paid Colorado \$250,000 yesterday. Why -- why can't  
15 your wife just pay us?  
16 A. Because there's not that much left.  
17 Q. How much is left?  
18 A. I don't know exactly how much she has left.  
19 Q. Where's she getting the money?  
20 A. She makes pretty good money.  
21 Q. So she's getting it out of her earnings from  
22 her businesses?  
23 A. And her -- she cashed some stock of hers.  
24 Q. Uh-huh. Anyplace else?  
25 A. That's all I know of.

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1 Q. Has she mortgaged the house that you're living  
2 in?  
3 A. Her house already has a mortgage on it.  
4 Q. Did she add any other -- has she put a  
5 mortgage on the house --  
6 A. Yes.  
7 Q. -- in addition --  
8 A. Yes.  
9 Q. -- since you've been married?  
10 A. Yes.  
11 Q. How much?  
12 A. No. Since we've been married?  
13 Q. Yes.  
14 A. I don't know. Yes, yes, there was.  
15 Q. How much?  
16 A. I'm not for sure.  
17 Q. When?  
18 A. I don't know the exact date of that, either.  
19 Q. Within the last couple months? Within the  
20 last year?  
21 A. It's been within the last year.  
22 Q. How many mortgages are on the house now?  
23 A. Two.  
24 Q. What's the total?  
25 A. I -- I don't know.

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1 Q. What vehicles do you own?  
2 A. I don't own any.  
3 Q. Which does she own?  
4 A. She has a BMW.  
5 Q. What kind?  
6 A. What's that?  
7 Q. What kind?  
8 A. 740.  
9 Q. What year?  
10 A. '94.  
11 Q. What else?  
12 A. Oh, wait, wait. It -- it might be a 2004.  
13 Q. What else?  
14 A. A Kia.  
15 Q. Who drive that?  
16 A. Her daughter.  
17 Q. What else?  
18 A. Personal vehicles?  
19 Q. Any vehicles that she owns or her company  
20 owns.  
21 MR. SCHNITTKE: Mr. Becker, I'm going to  
22 object to her -- what she owns and what her company  
23 owns. She's not a defendant in this case.  
24 MR. BECKER: All right.  
25 Q. What car do you drive?

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1 A. Whatever one I want to get in.  
2 Q. Then I want to know what --  
3 MR. SCHNITTKE: Okay.  
4 Q. -- all she owns.  
5 A. Okay. I mean, I drive -- I drive the BMW.  
6 Q. What else do you drive?  
7 A. The white pickup.  
8 Q. What kind of white pickup?  
9 A. 2007.  
10 Q. What kind?  
11 A. Ford.  
12 Q. Ford?  
13 A. F-150.  
14 Q. What else do you drive?  
15 A. That's pretty much it.  
16 Q. And your son drives a pickup up here?  
17 A. Yes.  
18 Q. What kind is that?  
19 A. Ford F-250.  
20 Q. What year?  
21 A. 2000 and -- I don't know what year -- the  
22 ending of it is.  
23 Q. Does your son drive anything else?  
24 A. No.  
25 Q. What'd you do with the vehicles that you had

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1 back in '06 that he was driving and you were driving?  
2 A. Which ones?  
3 Q. Which ones did you have?  
4 A. I don't -- I don't know. If you ask -- if you  
5 tell me, I -- I'll ask.  
6 Q. You don't know which vehicles you had in 2006  
7 before you met your current wife?  
8 A. The only two vehicles I had was the Corvette  
9 and the Tahoe.  
10 Q. What -- what year was the Corvette?  
11 A. '0 -- they're both the same. I think it's '05  
12 or so. I -- I don't know, just whatever --  
13 Q. What'd you do with them?  
14 A. Trade -- the Corvette got traded in.  
15 Q. What'd you get for it?  
16 A. The payoff, which I think was like thirty  
17 some, 40,000. Whatever the payoff was.  
18 Q. So you just gave the car back?  
19 A. What's that?  
20 Q. You just gave them the car back in exchange  
21 for not having to make any more payments?  
22 A. That's correct.  
23 Q. Where'd you get the Corvette?  
24 A. Coughlin. That's apart of this -- I -- I'm  
25 not answering anymore questions, that -- because that's

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1 apart of the situation in Licking County.  
2 MR. SCHNITTKE: Claiming the fifth on  
3 this?  
4 THE WITNESS: Yes.  
5 Q. So something -- something out of the Corvette  
6 that you were driving has something to do with Licking  
7 County, the criminal charges that are pending against  
8 you?  
9 A. That's correct.  
10 Q. What about the Tahoe --  
11 A. Same thing.  
12 Q. -- what'd you do with it? What'd you do with  
13 it?  
14 A. I'm -- I'm not -- I'll plead the fifth.  
15 Q. No, you don't get to plead the fifth on what  
16 you did with it.  
17 A. Yes, I do. I'm not answering any question --  
18 I'll call Sam Shamansky.  
19 Q. Call him up.  
20 A. Because I -- he told me not to answer no  
21 questions of that.  
22 MR. SCHNITTKE: Mr. Becker, I'm not  
23 familiar with this.  
24 MR. BECKER: I understand.  
25 THE WITNESS: Hi, this is Mike, and I'm in

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1 a deposition. Is Sam available real quick? All right,  
2 thanks.  
3 Sam, they're asking me questions about the  
4 Corvette and stuff and I'm here at the deposition, and  
5 that's apart of the stuff in Licking County.  
6 Okay. Are you asking where it is?  
7 MR. BECKER: No. I want to know what you  
8 did with it.  
9 THE WITNESS: He wants -- he wants to know  
10 what I did with it and -- yeah, it's gone.  
11 MR. BECKER: What'd you do with it?  
12 THE WITNESS: It's gone. That's -- okay.  
13 I gave it back. It went back to Jim -- well, I mean --  
14 okay. Okay. I -- I just wanted -- okay. Thanks, Sam.  
15 Bye-bye.  
16 Q. So where'd it go?  
17 A. It went to -- it was traded in.  
18 Q. What'd you get for it?  
19 A. Whatever the payoff was.  
20 Q. So that --  
21 A. And I don't know what the payoff was.  
22 Q. So you -- you gave the car back in exchange  
23 for not having to make any further payments?  
24 A. No, I gave the car back, they paid it off.  
25 And in -- in exchange Kate bought the 2007 pickup.

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1 Q. And put it in her name?  
2 A. Her company.  
3 Q. Which company?  
4 A. Tristar.  
5 Q. What'd you do with the boat that you had at  
6 the lake house in Buckeye Lake?  
7 A. What boat?  
8 Q. That one (indicating).  
9 A. That's my father's.  
10 Q. Where's it at now?  
11 A. It's in Florida.  
12 Q. Your father's boat's in Florida. Where at in  
13 Florida?  
14 A. Clearwater, in storage.  
15 Q. All right.  
16 A. And it's not paid off yet.  
17 Q. Where at?  
18 A. In Clearwater.  
19 Q. Where in Clearwater? Where's this -- what's  
20 the name of the storage unit? Where's it at?  
21 A. You Keep a Key, or whatever.  
22 Q. You Keep the Key?  
23 A. I don't know -- I don't know what the name of  
24 it is. It's something storage. I can get you the name  
25 of it if you need that. And if you write that down

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1 I'll get that for you.  
2 Q. What else have you got stored there?  
3 A. The boat. That's it.  
4 Q. What happened to the -- the black vehicle in  
5 the middle there?  
6 A. That's the Tahoe.  
7 Q. That's the one you -- the '05 that you gave  
8 back that ended up Katie got the 2007 pickup for?  
9 A. No. That was a Corvette.  
10 Q. Well, I thought you said you got --  
11 A. No, no. You said the -- I told you the  
12 Corvette was traded in and I got exactly what I owed on  
13 it on a trade-in, and then Kate bought the 2007 pickup  
14 truck.  
15 Q. I thought she did that with the Tahoe?  
16 A. No. The Tahoe I still have.  
17 Q. Where's the Tahoe?  
18 A. The Tahoe is in Columbus.  
19 Q. Who's driving the Tahoe?  
20 A. Vern.  
21 Q. Who's title is it?  
22 A. I'm sorry?  
23 Q. Who's it titled in? Who owns it?  
24 A. The bank. It's not paid off yet.  
25 Q. Well, who's the title to the car?

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1 A. Either --  
2 Q. Whose name?  
3 A. Probably American Aggregate or one -- whatever  
4 that company name was. I don't know.  
5 MR. BECKER: I want that vehicle.  
6 MR. SCHNITTKE: The Tahoe?  
7 MR. BECKER: Yeah.  
8 A. You want what?  
9 Q. I want the Tahoe.  
10 A. It's not paid off.  
11 Q. I don't care. I want the Tahoe.  
12 A. Okay. Where do I take it to?  
13 Q. I'll work it out with your counsel as soon as  
14 we're done.  
15 A. Okay.  
16 Q. Anything else that you've got?  
17 A. That's it.  
18 Q. What about the houseboat that you had at one  
19 time? Where'd that --  
20 A. What houseboat?  
21 Q. Didn't you have a houseboat on the lake?  
22 A. No.  
23 Q. Okay. Have we talked about all of the  
24 vehicles that you drive?  
25 A. Yes.

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1 Q. And that your son drives?  
2 A. I believe, yes.  
3 Q. He's just got the pickup truck; right?  
4 A. That's correct.  
5 Q. How's that titled, the pickup truck that your  
6 son drives?  
7 A. Kate.  
8 Q. Her personally, or one of her businesses?  
9 A. It could be personally or business.  
10 Q. You don't know which?  
11 A. I don't know which.  
12 Q. Do you know -- or do you owe money to Larry  
13 Dimmit Cadillac?  
14 A. Who?  
15 Q. Larry Dimmit, D-i-m-m-i-t, Cadillac, in  
16 Florida?  
17 A. Not to my knowledge.  
18 Q. What about to Rahdert, Steele, Bole &  
19 Reynolds? R-a-h-d-e-r-t. Steele is S-t-e-e-l-e. Bole  
20 is B-o-l-e. And Reynolds.  
21 A. Who is that?  
22 Q. Do you owe them money?  
23 A. Who is it? What is it?  
24 Q. They're in -- they're in -- I don't know. You  
25 know anything about it?

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1 A. I -- I don't -- I don't know who it is,  
2 either.  
3 Q. You wouldn't know why they've got a judgment  
4 against you then?  
5 A. Who is it?  
6 Q. Rahdert, R-a-h-d-e-r-t, Steele, Bole &  
7 Reynolds, PA.  
8 A. What's PA?  
9 Q. I don't know. They claim you owe them \$1,785,  
10 and they have a judgment against you for that amount in  
11 Pinellas County, Florida.  
12 A. For -- what is it?  
13 Q. \$1,785.  
14 A. I don't know what it's for.  
15 Q. Who else do you owe money to?  
16 A. Tom Fitzgerald.  
17 Q. How much do you owe Tom Fitzgerald?  
18 A. A lot.  
19 Q. How much?  
20 A. I don't know. I -- I -- I don't know how  
21 much.  
22 Q. What do you owe him for?  
23 A. For the balance of Jiffy John.  
24 Q. So when you bought his business you still owe  
25 him a balance on that?

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1 A. Yes.  
2 Q. What else do you owe him?  
3 A. Back rent.  
4 Q. All right. What else?  
5 A. And he loaned me money.  
6 Q. How much?  
7 A. Like twenty-some thousand, 25,000. I don't  
8 know what it --  
9 Q. All right. What else?  
10 A. I think that's all.  
11 Q. What about the American Express that -- that  
12 you used of his without his permission?  
13 A. That's not true.  
14 Q. You never used his American Express without  
15 his permission?  
16 A. Without his permission? I plead the fifth on  
17 that. That's in the case in Licking County.  
18 Q. Is the American Express that you used with  
19 Fitzgerald the same one that you used in Mississippi or  
20 Louisiana?  
21 A. No.  
22 Q. When's the last time you saw Tom Fitzgerald?  
23 A. It's been a while.  
24 Q. Months? Years?  
25 A. It's been months, a lot of months. Could have

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1 been a year.  
2 Q. What happened to the items that you were  
3 storing at his facility on Mill Dam Road?  
4 A. That I was storing?  
5 Q. Yes.  
6 A. What do you mean? It -- whatever was left  
7 there is still there.  
8 Q. Well, there was a Mercedes convertible. What  
9 happened to that?  
10 A. I don't own that.  
11 Q. Whose was it?  
12 A. That's Tom's. I don't own that backhoe,  
13 either.  
14 Q. Who owns --  
15 A. You asked me who -- that's Tom's backhoe that  
16 he had that -- way before I even bought the business.  
17 Q. All right. So the backhoe was never yours?  
18 A. Nope.  
19 Q. And the Mercedes convertible was never yours?  
20 A. It was mine. And way before this all happened  
21 Tom got that.  
22 Q. Well how did he get it before this all  
23 happened? What do you mean?  
24 A. What do you mean what do I mean? I -- I guess  
25 I don't understand what you're saying.

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1 Q. How did you -- where did you get the Mercedes?  
2 A. I got it at an auction.  
3 Q. All right. And you titled it in your name;  
4 right?  
5 A. Or a company's name that I had.  
6 Q. Then what'd you do with it?  
7 A. I took it to an auction.  
8 Q. All right. What happened then?  
9 A. It only brought like \$8500.  
10 Q. So what happened?  
11 A. And I brought it back.  
12 Q. All right. So you didn't sell it at the  
13 auction?  
14 A. I didn't sell it at the auction.  
15 Q. What'd you do with it?  
16 A. And Tom took some of the money off of the bill  
17 for the Mercedes. It has a busted trunk lid.  
18 Q. So did you give him the title?  
19 A. He's had the title.  
20 Q. In his name?  
21 A. I signed it when he told me to sign it.  
22 Q. When did you do that?  
23 A. That's been a long time ago.  
24 Q. Months? Years?  
25 A. Years.

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1 Q. What happened to the tractor depicted in that  
2 photograph?  
3 A. That's not mine.  
4 Q. Whose is it?  
5 A. That belonged to -- I can't think of the guy's  
6 name. He worked for me when I had Jiffy John.  
7 Q. That was never yours?  
8 A. No. I think that's a Peterbilt. That was  
9 never mine.  
10 Q. In your earlier deposition you told us that  
11 you sold the Jiffy John business to a lady in Columbus  
12 or Chillicothe. You couldn't remember which.  
13 A. We didn't sell it. She was going to take it  
14 over and run it.  
15 Q. Did she do that?  
16 A. They never did nothing. The commodores and  
17 everything are still down at Tom's.  
18 Q. So you never got any money for her?  
19 A. I did not.  
20 Q. Do you hold any driver's license in any states  
21 but Ohio?  
22 A. Huh?  
23 Q. Do you hold any driver's license in any state  
24 but Ohio? You showed me your Ohio license.  
25 A. That's all I have.

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1 Q. Do you have a CDL --  
2 A. I do.  
3 Q. -- commercial driver's license?  
4 A. Yes.  
5 Q. Do you have that with you?  
6 A. You just got -- I just gave them to you.  
7 Q. I didn't see a CDL.  
8 A. I have everything.  
9 Q. Look for it, because I didn't see it, and  
10 maybe I missed it.  
11 A. I'm supposed to. I've had it since I first  
12 got my driver's license.  
13 Q. That's your Ohio license.  
14 A. Yeah.  
15 Q. I'm asking you for a commercial driver's  
16 license.  
17 A. That is it.  
18 Q. That -- that functions as a commercial  
19 driver's license?  
20 A. Yeah. I can drive a tractor/trailer with  
21 that.  
22 MR. SCHNITTKER: Depends on the --  
23 A. And a motor vehicle.  
24 Q. You're right. The -- I didn't notice at the  
25 top. It says commercial driver's license. That's

1 fine.  
2 Do you have any other driver's license?  
3 A. No. These are -- I can drive a  
4 tractor/trailer with these.  
5 Q. I understand. I didn't see commercial  
6 driver's license when I first looked at it.  
7 A. Oh. Okay.  
8 Q. I'm just asking whether you got any other  
9 license in any other state?  
10 A. No.  
11 Q. You haven't lived in Ohio for several years.  
12 Why, when you renewed your license in 2007, did you do  
13 it in Ohio?  
14 A. I still have a -- I stay with my mom and dad.  
15 Q. But you're married. You live in Florida.  
16 A. But I'm allowed to live in more than one  
17 place.  
18 Q. But your residence is in Florida; right? You  
19 live with your wife?  
20 A. And I also can live with my mom.  
21 Q. You haven't lived in Ohio for several years  
22 now; right?  
23 A. I still come back here.  
24 Q. Why did you, when you got a driver's license  
25 in December of 2007, put it in Ohio?

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1 A. Okay, you don't need to insult me.  
2 Q. I'm asking the question. Why didn't you do it  
3 in Florida, where you live?  
4 A. You know why.  
5 Q. No, I don't.  
6 A. Yes, you do.  
7 Q. I have no idea, sir.  
8 A. Yes, you do. Same question you asked me at  
9 Ben's, too.  
10 Q. I have no clue what you're talking about.  
11 Tell me why, in December --  
12 A. Well, I'll --  
13 Q. -- of 2007 --  
14 A. -- refresh your memory.  
15 Q. Go ahead.  
16 A. Okay. You know I can't spell and I can't  
17 read.  
18 Q. I know you claim that.  
19 A. Okay. Why didn't you, way before I even had  
20 my fall, why didn't you get my school records?  
21 Q. What's that got to do with why you got a  
22 license in Ohio in December --  
23 A. Because I --  
24 Q. -- of 2007?  
25 A. I don't think that I can -- I won't be able to

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1 read to pass the test. And I can drive and do whatever

2 I need to do, but I -- and you know that.

3 Q. That's your handwriting (indicating)?

4 A. It is.

5 Q. Did you sign that?

6 A. I did.

7 MR. BECKER: Let's mark that, please.

8 Exhibit 4.

9 A. And I believe he spelled that for me on the  
10 telephone; is that correct? Is that the letter you --  
11 that I had to write?

12 MR. SCHNITTKE: I can't answer your  
13 questions.

14 THE WITNESS: But my attorney's told me  
15 what to spell.

16 MR. SCHNITTKE: You want to mark this.

17 ---

18 (Plaintiff's Exhibit 4 marked.)

19 ---

20 MR. BECKER: Thank you.

21 Q. We've marked as Plaintiff's Exhibit 4 a note  
22 that you just indicated is in your handwriting that you  
23 signed to verify that you would be here in attendance  
24 for the deposition today, correct?

25 A. Whatever -- when I was on the phone with Eric

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1 and -- that's what they told me to write.

2 Q. All right. Did you ever meet your current --  
3 strike that.

4 Did you ever meet Katie Hettig before her  
5 husband died?

6 A. Yes.

7 Q. Where did you meet her?

8 A. I met her -- we met in Florida.

9 Q. Where?

10 A. I don't remember where.

11 Q. How long ago?

12 A. It's been a long time ago.

13 Q. Well, did you -- after you met her did you  
14 keep in contact with her?

15 A. No, we didn't.

16 Q. Who introduced you?

17 A. We met.

18 Q. How did you meet?

19 A. I believe it was on the beach.

20 Q. Where?

21 A. In Clearwater probably.

22 Q. Did you have a relationship with her at that  
23 time?

24 MR. SCHNITTKE: I object. I don't know  
25 what the relevance of this is.

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1 MR. BECKER: Well, if nothing else it goes

2 to credibility, because when I asked him earlier in the  
3 deposition when he met Kathy Hettig (sic.) he told me  
4 he met her in a store in Clearwater after September of  
5 2006.

6 A. You didn't ask me if that was the first time I  
7 met her.

8 Q. So I'm -- I'm clarifying. The first time you  
9 now met her you're saying was in --

10 A. I don't know what year it was. And you asked  
11 me if it was before -- when she -- her husband was  
12 alive.

13 Q. Uh-huh.

14 A. That's not what the question you asked me that  
15 I --

16 Q. And now --

17 A. -- remember.

18 Q. -- I'm asking you whether or not you had a  
19 relationship with her at that time? Did you, or did  
20 you not?

21 A. It's irrelevant.

22 MR. BECKER: You can either instruct him  
23 to answer -- not to answer the question or you can  
24 answer the question, sir; one of the two. That's your  
25 choices.

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1 MR. SCHNITTKE: It's irrelevant.

2 A. I mean, it's irrelevant. It's --

3 Q. That doesn't -- you don't get to decide what's  
4 relevant, sir.

5 MR. BECKER: You can either have your  
6 client -- your -- your lawyer's either going to  
7 instruct you not to answer the question or you're going  
8 to answer it.

9 MR. SCHNITTKE: He's not answering that  
10 question.

11 MR. BECKER: On what basis, sir?

12 MR. SCHNITTKE: On relevance.

13 MR. BECKER: Okay.

14 Q. I'm looking at an affidavit that was signed by  
15 Eric Knouse on January the 22nd, 2008 that was  
16 notarized, that states that George Michael Riley was  
17 sentenced on December the 20th, 2007. You received a  
18 sentence to probation that is required to pay a total  
19 restitution of approximately \$509,000, of which his  
20 employer had already paid \$150,000, and paid an  
21 additional \$50,000 on sentencing date. You agree with  
22 that?

23 A. If that's what he said.

24 Q. Okay. So what -- which of your employers paid  
25 the \$150,000 on your behalf?



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1 A. It'd either be Blank Ink or Tristar.  
 2 Q. And how long you been working for one of those  
 3 two?  
 4 A. Four months, five months. I don't know. I --  
 5 I don't know the exact dates.  
 6 Q. Okay. And where are the documents that would  
 7 verify that?  
 8 A. That would verify what?  
 9 Q. That you're working for the -- someone. I  
 10 want to know what --  
 11 A. In exchange. It's pay my restitution.  
 12 Q. Well, I -- there's got to be documents. If an  
 13 employer's going to hire you and you're going to work  
 14 for that employer there has to be documents to verify  
 15 that, sir. And those are the documents that we're  
 16 entitled to see.  
 17 A. Okay. I didn't know that kind of document.  
 18 Q. So we'll get those from you?  
 19 A. Okay.  
 20 Q. And we'll come back and ask you about those  
 21 when we get them.  
 22 A. Okay.  
 23 Q. Anybody else that you've worked for since  
 24 September of 2006 that we haven't talked about?  
 25 A. Not to my knowledge.

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1 Q. Any other companies that you've started or  
 2 operated since September of 2006?  
 3 A. Not to my knowledge.  
 4 Q. What happened to United Waste Services, Inc.?  
 5 That was one of your companies.  
 6 A. That's correct.  
 7 Q. What happened to it?  
 8 A. It's just there. Tom Fitzgerald's.  
 9 Q. So nothing else -- that's not doing any  
 10 business?  
 11 A. No.  
 12 Q. What about Palm Beach Property Associates,  
 13 LLC?  
 14 A. You got that.  
 15 Q. Well, that was a company that you started;  
 16 right?  
 17 A. Yes.  
 18 Q. And the only asset that it had was the house;  
 19 is that right?  
 20 A. No. We gave it to Mr. Danford.  
 21 Q. I understand. The only asset that it had was  
 22 the house?  
 23 A. I didn't have no assets.  
 24 Q. So the only thing that Palm Beach Property  
 25 Associates, LLC --

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1 A. They never did no work.  
 2 Q. But they had a house. And now that house has  
 3 been turned over to the bank; right?  
 4 A. No.  
 5 Q. What's not right about that?  
 6 A. Palm Beach Properties --  
 7 Q. Yes.  
 8 A. -- was put together --  
 9 Q. Yes.  
 10 A. -- as I was instructed to do, so if something  
 11 would happen to me, as per whatchamacallit -- that  
 12 that's why that house went into Palm Beach Properties.  
 13 Ben called me up and said that Dad and I needed to sign  
 14 off on it. And that's what I did.  
 15 Q. I just want to know whether Palm Beach  
 16 Properties --  
 17 A. They never did work. It wasn't --  
 18 Q. There's nothing --  
 19 A. It wasn't like Continental Industries.  
 20 Q. There's nothing else left of it; right? It  
 21 was just the house? It wasn't -- it didn't own  
 22 anything else?  
 23 A. No. Never had a bank account. Nothing.  
 24 Q. What about American Aggregates Corp. U.S.A.?  
 25 A. No.

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1 Q. That's one of your companies?  
 2 A. That is correct.  
 3 Q. What'd you do with that one?  
 4 A. Nothing.  
 5 Q. Where's it at now?  
 6 A. What do you mean?  
 7 Q. What does it hold?  
 8 A. I don't know. Nothing, to my knowledge.  
 9 Q. What about Island Equipment Company Corp. of  
 10 U.S.A.? What does it -- what does it have?  
 11 A. You got it.  
 12 Q. What did it have?  
 13 A. The crusher.  
 14 Q. The crusher was it? The Hazemag?  
 15 A. Yes.  
 16 Q. So Island Equipment --  
 17 A. Well, I meant the American Aggregate was the  
 18 Jumbo.  
 19 Q. So American Aggregate has the Jumbo?  
 20 A. I believe.  
 21 Q. Which we do not have; correct?  
 22 A. Yes, you do. That's -- that's down at Roger  
 23 Barrick's.  
 24 Q. Well, that -- if it's at Barrick's I don't  
 25 have it, do I?

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1 A. Yes, you do.  
2 Q. Mr. Barrick has it; right? It's at his place.  
3 A. Yeah, but nobody -- we -- we can't use it.  
4 Q. He's not giving it to me, either, because you  
5 owe him money for the storage on it.  
6 All right. Now, Island Equipment Company,  
7 what do they have?  
8 A. You got it.  
9 Q. That was the Hazemag?  
10 A. That's correct.  
11 Q. What happened to the screener?  
12 A. You got the power screen. Yes, sir, because  
13 whatchamacallit picked it up.  
14 Q. So whatever they had --  
15 A. Then -- wait. Then whatchamacallit stole it.  
16 They said they was picking it up, the towing company,  
17 Ours Towing.  
18 Q. Are you telling me that the -- the -- that  
19 the --  
20 MR. BECKER: Where did it go?  
21 MR. DANFORD: They're two different  
22 crushers. You're talking about the -- or -- or the two  
23 power screens. Talking about the power screen down in  
24 Mississippi.  
25 MR. BECKER: Yeah.

1 A. There is no power screen in Mississippi.  
2 Q. What happened to it?  
3 A. There never was one. That's the honest --  
4 there -- there's -- there's a power screen that Ours  
5 Towing has got.  
6 MR. SCHNITTKE: Wait a minute. You may  
7 want to take the fifth on this.  
8 MR. DANFORD: It's got nothing to do with  
9 Licking County. There was a -- there was a -- a power  
10 screen that was in Steubenville.  
11 ---  
12 Thereupon, Mr. Becker and his client are consulting with  
13 one another.  
14 ---  
15 Q. There was a power screen that was indoors at  
16 Steubenville.  
17 A. I -- I don't know anything about that. Let's  
18 call them because it's not mine. I -- I don't know  
19 what --  
20 MR. DANFORD: When we first saw the  
21 Hazemag crusher --  
22 MR. BECKER: Uh-huh.  
23 MR. DANFORD: -- it had been -- there had  
24 been repair -- repair work done on it. Some guy was  
25 waiting to get paid in Steubenville. Had to be almost

1 a year and a half, two years ago.  
2 MR. BECKER: Okay.  
3 MR. DANFORD: And we took pictures of it,  
4 the Hazemag. They drove us down to the river to an  
5 indoor storage facility to show us the power screen,  
6 which was a huge, long, power screen. He would not let  
7 us take pictures of it down there.  
8 MR. BECKER: All right.  
9 MR. DANFORD: So that -- but he had worked  
10 on both of them for you.  
11 A. Okay, that I -- I'm not aware of. And whoever  
12 said that -- you know what, if there's -- I had one  
13 power screen --  
14 Q. Where is it?  
15 A. -- that was at Shelly & Sands that the towing  
16 company took.  
17 Q. Which towing company?  
18 A. Ours. It was called Ours Towing Company.  
19 Q. Where?  
20 A. In Newark.  
21 MR. DANFORD: Somerset. We got that one.  
22 MR. BECKER: Okay. That one you got.  
23 A. Okay. The other --  
24 Q. That's the only one you've ever had?  
25 A. The other power screen is -- is connected to

1 the Jumbo crusher. It's in the crusher itself. It's  
2 not like the Hazemag. There's only been one portable.  
3 Q. And that's the one that is owned by American  
4 Aggregates, which is currently in --  
5 A. Right.  
6 Q. -- Belmont?  
7 A. Yes.  
8 MR. BECKER: All right.  
9 MR. DANFORD: Ask questions that --  
10 because it apparently isn't a power screen. There was  
11 two pieces of equipment that had repair work done on it  
12 in Steubenville, Ohio.  
13 MR. BECKER: All right. Let me stop this  
14 one.  
15 MR. DANFORD: One was a Hazemag and the  
16 other one was some other --  
17 Q. What equipment did you have worked on in  
18 Steubenville?  
19 A. I never really -- the Hazemag was never worked  
20 on in Hazemag -- in Steubenville, to -- to my  
21 knowledge.  
22 Q. What equipment was worked on in Steubenville  
23 for you?  
24 A. The Jumbo Eagle crusher that -- that's when  
25 Roger helped me pay for that rotor.

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1 Q. That's the only equipment? There was two  
 2 pieces there that they saw.  
 3 A. I don't know. I -- I don't know what you're  
 4 talking about. And that's -- that's -- that's the --  
 5 the god -- the -- the only thing that I have is the  
 6 power screen you got, the two crushers, the --  
 7 MR. DANFORD: This was across the county  
 8 line from Belmont county. So it wasn't all the way  
 9 north to Steubenville. Somebody repaired work --  
 10 THE WITNESS: I don't know.  
 11 MR. DANFORD: -- for you.  
 12 THE WITNESS: Mr. Danford, I -- I mean,  
 13 I'll tell you, if -- if you just -- I don't know what  
 14 it is, because I know what I have.  
 15 Q. Well, is that --  
 16 MR. BECKER: Is that the same as this one?  
 17 Is this one different? Right.  
 18 MR. DANFORD: Different.  
 19 Q. You said earlier today you were going to tell  
 20 us about assets owned by United Waste. What other  
 21 assets does United Waste have?  
 22 A. That's all them commodores that -- that has --  
 23 Tom still owns some and I --  
 24 Q. They're all sitting on the Mill Dam property?  
 25 A. That's correct.

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1 Q. What equipment did the gentleman in Newark  
 2 work on for you that you did not pay \$4,280 for?  
 3 A. Was -- it's the dozer that you got, I believe.  
 4 That -- because it had the --  
 5 Q. What kind of dozer?  
 6 A. That front end loader you've got. The --  
 7 he -- this -- the cab -- you can see the cab is hanging  
 8 out there. They had to put a torque converter in it.  
 9 Q. Who was the gentleman --  
 10 MR. DANFORD: We don't have a dozer.  
 11 THE WITNESS: You -- you don't have the  
 12 front end loader?  
 13 MR. DANFORD: (Shakes head negatively.)  
 14 THE WITNESS: There is a front loader -- a  
 15 front end loader somewhere.  
 16 Q. You don't know where it's at?  
 17 A. I do not. I thought you got it. It was down  
 18 at Fitzgerald's. You'd have to move it with a  
 19 tractor/trailer.  
 20 Q. What -- give me a description of it.  
 21 A. It's huge. It's a 966.  
 22 Q. 966?  
 23 A. I think it's a -- it's a 966.  
 24 Q. And who was it owned by, which of your  
 25 companies?

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1 A. I don't know. One of them.  
 2 Q. And the last you saw it it was at  
 3 Fitzgerald's?  
 4 A. That's correct.  
 5 MR. DANFORD: We may have that. There was  
 6 a small dozer.  
 7 THE WITNESS: That's Tom's. That  
 8 whatchamacallit's Tom's, too.  
 9 Q. What?  
 10 A. The digger, the small backhoe. I can't use  
 11 little equipment. All -- all that stuff was --  
 12 Q. All right. This 966 dozer --  
 13 A. The last place it's been that's -- there was a  
 14 problem with the torque converter. I had somebody come  
 15 out and fix it. They took the cab off of it and was  
 16 working on it, and that was the last I've seen of it.  
 17 MR. DANFORD: Yeah, we've got that.  
 18 MR. BECKER: Okay.  
 19 Q. Fitzgerald Sanitation, is that company still  
 20 owned by you?  
 21 A. That was just a name. I changed it to United  
 22 Waste.  
 23 Q. All right. Jiffy John Portable Toilets?  
 24 A. That was the same thing. Tom had the name of  
 25 Jiffy John, but I got the name of Jiffy John, changed

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1 it to United Waste.  
 2 Q. RNF Company of Lansing, Inc.?  
 3 A. That's been a long time ago.  
 4 Q. Doesn't exist anymore?  
 5 A. All them really don't exist anymore.  
 6 Q. Have no assets?  
 7 A. (Witness shakes head negatively.) Huh-uh.  
 8 Q. Eagle Industries of Columbus, Inc.?  
 9 A. Nope.  
 10 Q. Has no assets?  
 11 A. (Witness shakes head negatively.) No.  
 12 Q. You need to say yes.  
 13 Black Diamond Demolition Limited?  
 14 A. That company hasn't never done anything, but  
 15 it's going to.  
 16 Q. What assets does it have?  
 17 A. None.  
 18 Q. Okay. Continental Industries, Inc., you've  
 19 told me everything about any assets?  
 20 A. To the best of my knowledge, yes.  
 21 Q. Any other companies that you have been called?  
 22 A. I'm going to use Black Diamond.  
 23 Q. Any other companies that you have created or  
 24 been apart of or owned or part ownership that we  
 25 haven't discussed?

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1 A. Not to my -- that's everything to my  
2 knowledge.  
3 Q. You didn't create any companies in Louisiana?  
4 A. No, sir.  
5 Q. You didn't create any companies in  
6 Mississippi?  
7 A. No, sir.  
8 Q. Why didn't you attend the deposition on  
9 October 16th, 2007 in Colorado?  
10 A. What?  
11 Q. You were served -- your counsel was served in  
12 Colorado with a notice for you to appear for a  
13 deposition on October the 16th of 2007, and you failed  
14 to appear.  
15 A. I -- I -- I need to call Eric, because I -- I  
16 don't want to answer that until I call Eric.  
17 MR. SCHNITTKE: Hold on. He's got some  
18 other questions before you find out about that.  
19 Q. Did you ever sell the Eagle crusher power  
20 screen and any other equipment?  
21 A. Did I ever sell --  
22 Q. Did you sell it?  
23 A. What are you talking about?  
24 Q. Well, there's an individual who's claiming  
25 that you sold them the Eagle crusher and the power

1 money.  
2 A. I understand that. I --  
3 Q. Why -- why didn't you pay them?  
4 A. They'll get paid. I just got to get  
5 everything done. I got to get everything organized.  
6 Q. Who else do you owe money to?  
7 A. I don't know. I'm sure there's a list.  
8 Q. Do you have a list somewhere that would  
9 indicate all the people you owe money to?  
10 A. No.  
11 Q. Do you have any documents to indicate who you  
12 owe money to?  
13 A. No.  
14 Q. Do you have any documents to indicate who owes  
15 money to you that we haven't talked about?  
16 A. Just that one that I said I'd get you.  
17 Q. What happened to the two trucks that  
18 Continental owed when we took your deposition last  
19 time? It was a -- a Ford F-350. What happened to  
20 that?  
21 A. A Ford F-350?  
22 Q. That's what you told me.  
23 A. That white flatbed?  
24 Q. I don't know, sir. You told me that  
25 Continental owed a Ford F-350.

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1 screen and some other equipment. And you --  
2 A. The Eagle's not paid off, if they mean that.  
3 Q. What do you mean by that?  
4 A. Because that -- the people I bought it from, I  
5 still owe them money.  
6 Q. Who is that?  
7 A. Custom -- Custom Concrete.  
8 Q. Where are they at?  
9 A. Ben would have that. I don't know.  
10 Q. Well, are they in Ohio? Are they in Alaska?  
11 A. They're in Ohio.  
12 Q. When did you buy it?  
13 A. Oh, years ago.  
14 Q. How much did you pay for it?  
15 A. 2 -- almost 300,000.  
16 Q. How much do you owe them?  
17 A. I don't know what the balance is now.  
18 Q. Well, \$10? \$100?  
19 A. Oh, no. It's in the thousands, but I don't  
20 know how many.  
21 Q. Why didn't you pay him?  
22 A. I'm sorry?  
23 Q. Why didn't you pay him?  
24 A. You took the equipment.  
25 Q. So. It doesn't mean you don't owe them the

1 A. Say that 1970 model?  
2 Q. I don't know, sir. I'm just asking what  
3 happened to it.  
4 A. I don't know. It could be down at Tom's.  
5 Q. No, no. This was in Florida.  
6 A. In Florida?  
7 Q. Uh-huh. What'd you do with it?  
8 A. F-350 in Florida?  
9 Q. That's what you told me in your deposition.  
10 A. Can you show my counsel that --  
11 Q. Sure.  
12 A. -- where I said that?  
13 Q. Uh-huh.  
14 A. I don't --  
15 Q. We were discussing -- look like: What  
16 equipment does it have? Continental, all right. You  
17 first described a U-haul truck.  
18 A. That's correct.  
19 Q. Where's that -- what happened to it?  
20 A. It's in whatchamacallit.  
21 Q. Where's whatchamacallit?  
22 A. It's in storage, but they probably took it for  
23 the storage. It's -- it's been --  
24 Q. Where?  
25 A. In -- I think it's in Georgia.

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1 Q. Where in Georgia?

2 A. I don't -- I have to get you information. I

3 don't know.

4 Q. Why did you send it to Georgia?

5 A. I went up there to do a job.

6 Q. What job?

7 A. In Georgia.

8 Q. What job in Georgia?

9 A. On a asphalt job.

10 Q. For who?

11 A. I don't know the name of the company --

12 Q. When?

13 A. -- at this moment.

14 It's been a while ago. A year or so.

15 Q. Did you get paid?

16 A. Yeah. In exchange -- one of the machines blew

17 up and they put a new motor on it.

18 Q. So you got -- you didn't get any money, you

19 got services?

20 A. That's correct. I got some money. I got

21 like -- I can't remember how much.

22 Q. What'd you do with it?

23 A. Spent it.

24 Q. Did you get paid in cash, or did you get paid

25 with check?

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1 A. I got paid by a check.

2 Q. What'd you do with the check? Did you cash

3 it, or did you put it in the bank?

4 A. I would probably put it in the bank.

5 Q. Which bank?

6 A. I don't know.

7 Q. In Florida?

8 A. Probably.

9 Q. Do you have any documents?

10 A. No.

11 Q. Well, if you had a bank -- if you had a

12 checking account or a savings account in Florida that

13 you deposited into what'd you do with --

14 A. I never --

15 Q. -- the records?

16 A. -- had a savings account.

17 Q. Well, what did you do with the records of

18 the --

19 A. I don't know --

20 Q. -- banks --

21 A. -- where they're at.

22 Q. Who'd you give them to?

23 A. I didn't -- I -- I don't know. I didn't give

24 them to anybody. I don't know what I did with them.

25 Q. So we were then back -- back to the Ford

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1 F-350. What'd you do with that?

2 A. I think that -- the Ford F-350 would have been

3 the U-haul truck.

4 Q. No, that's two different -- two different

5 vehicles you described to us.

6 MR. SCHNITTKE: That's what it looks like

7 to me in the deposition.

8 A. Well, it said -- the F-350 --

9 Q. What's the --

10 A. And you said in Florida?

11 Q. I asked you what's the -- after we talked

12 about the U-haul, I said: What's the other truck that

13 it, being Continental, owns? And you said: It's a

14 Ford F-350. What year? I have no idea. What's the

15 year of the U-haul? I couldn't answer that, either.

16 Where are they located? Florida, Palm Harbor. One is.

17 Which one? The F-350.

18 A. That's the U-haul. The other one --

19 Q. Where is the U-haul? I don't know where it

20 could be right now.

21 A. Okay, that would have been a U-haul. That's

22 what I thought. The F-350 would have been a U-haul.

23 Q. No, you're talking about two different things

24 here.

25 A. No.

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1 Q. You're talking about the U-haul being one and

2 you're talking about the F-350 being --

3 A. The F-350 is a U-haul.

4 Q. Well, where's it at?

5 A. Well, it's in a -- a tow yard.

6 Q. Where?

7 A. Somewhere in Georgia or --

8 Q. We're talking about two separate vehicles

9 here.

10 A. Well --

11 Q. You described two separate vehicles to me. I

12 want to know where they both are now.

13 A. I -- there's a flatbed that's in Ohio.

14 Q. Where?

15 A. It is down at Roger Barrick's. It's like an

16 '80-some model. I don't know what year it is. It's

17 sitting down there.

18 Q. All right. What -- what manufacturer?

19 A. Ford.

20 Q. All right.

21 A. Same as the U-haul.

22 Q. And the U-haul's in Georgia in a storage

23 facility?

24 A. Not a storage. Yeah, a tow yard.

25 Q. A tow yard.

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Any other vehicles?

A. Not that I know of. Not that I can remember.  
If you can --

Q. Sir, the object of this isn't for me to have to dig out and find things and then ask you where they're at. The object is for you to tell me what you own so I can determine where those assets are so I can go get those assets.

A. I'm trying to help you.

MR. SCHNITKE: Mike, you know where the tow yard is in Georgia?

THE WITNESS: I don't.

MR. SCHNITKE: You have any idea where to go get at it then?

THE WITNESS: They've had it for over a year. I think -- I think they kept it. I -- I really do because I haven't paid anything on it and it -- it got towed off the interstate.

Q. What's the job available in Bellaire? Tell me about it.

A. It's the railroad project for Roger.

Q. More specific.

A. That's -- that's what it is. It's specific.

Q. What -- what would you be doing?

A. Taking up the railroad ballast, crushing it,

A. He owns it.

Q. He owns it. He owns the rail line?

A. He owns the rail line. He owns it all.

Q. All right. Who else is going to work on the job besides you?

A. Cody, his son. It only takes three people.

Q. So the entire job is to take up the -- the steel lines, or are they already gone?

A. No, no. Nothing to do with that.

Q. They're already gone?

A. The stone.

I -- I don't know that. I --

Q. Okay. So if -- if the steel line is still there who has to take that up?

A. Well, that's easy. I can flip that over with a dozer.

Q. All right. So that may -- that may be part of the job, you just don't know yet?

A. I don't know that yet.

Q. How long's this going to take?

A. About a year or so.

Q. And how are you going to get paid?

A. Roger will pay me by check.

Q. My point is that Roger's company is going to be paying you?

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screening it, and Roger would sell it -- would sell it to one of his entities.

Q. And how much is there?

A. A lot. Couple million dollars.

Q. All right. Where is the -- the line of the railroad tract?

A. What do you mean what --

Q. Where is it?

A. Oh. Roger owns it. Roger Barrick owns it.

Q. I understand that but where --

A. Oh, I guess --

Q. -- is it?

A. -- from Bellaire all the way up. I -- I --

I'll know more tomorrow, when I see it.

Q. All right. You haven't seen it yet?

A. That's correct.

Q. You think it starts in Bellaire, Ohio and it goes someplace --

A. I know it starts in Bellaire, because he told me.

Q. And how much -- does -- does Roger have a contract?

A. He will give me a contract.

Q. No, does he have one now to do this? How -- how did you --

A. That's correct, Black Diamond Demolition.

Q. Why are you going to use Black Diamond?

A. What's that?

Q. Why are you going to use Black Diamond as the company to do this job?

A. Why am I going to use that company?

Q. Why are you going to use that company? You got like 20 companies that you could use. Why are you using Black Diamond?

A. I thought I was allowed.

Q. I didn't say you weren't. I'm just wondering why you chose that one --

A. Well, because --

Q. -- as opposed to --

A. -- there's a demolition job in Kentucky that I'm going to look at.

Q. What's that got to do with Black Diamond?

A. Because it's a -- it's called Black Diamond Demolition and there's a demolition that needs to be done in -- I think it's Louisville, Kentucky. On the 3rd I'm going to go look at it.

Q. February 3rd?

A. That's correct.

Q. What kind of job?

MR. SCHNITKE: How can you go back and

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1 look at that when you're going to be in Colorado?

2 THE WITNESS: No. Barrick's trying --

3 he's filed a motion with the court to give me more

4 days.

5 MR. SCHNITTKE: Okay.

6 THE COURT: It -- if I get these deals

7 with Roger and -- and show that what I'm doing is

8 supposed to be doing and do my -- then I can get more

9 days.

10 Q. What's the job in Louisville?

11 A. Demolition.

12 Q. I know, but what do they -- what are you

13 demolishing?

14 A. It's a building. And I haven't seen it yet.

15 Q. What kind of building?

16 A. I haven't seen it yet.

17 Q. How'd you find out about it?

18 A. Through an e-mail.

19 Q. From?

20 A. A demolition people -- or a -- a contractor.

21 Q. So you're going to be a subcontractor on this

22 job, or are you going to be the one who does it?

23 A. Oh, I'll do the work.

24 Q. Whose the contract going to be with? The

25 company that owns the building, or somebody that's

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1 already agreed to tear it down?

2 A. The -- the people that's going to build the

3 new building.

4 Q. Okay. Who's that?

5 A. I don't -- I got the e-mail from them.

6 They -- they sent it out to a lot of people. I -- I

7 got to go do the bid.

8 Q. What's your e-mail account?

9 A. Gmrileysr@bayo.com.

10 Q. Getting close.

11 Where's Rose Ontko, O-n-t-k-o?

12 A. Rose is moving to Columbus.

13 Q. Where's she at now?

14 A. She is in Clearwater, Florida.

15 Q. She still living with you?

16 A. No.

17 Q. Where's she live?

18 A. With Jacob Miller.

19 Q. Who's that?

20 A. A -- a guy that I know in Clearwater.

21 Q. What's Mr. Miller do?

22 A. Works. Him and his girlfriend work. And they

23 have a child. She helps take care of his baby.

24 Q. All right. I was going to say, what -- why

25 does Rose live with him.

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1 What's the address?

2 A. I don't know the exact address.

3 Q. You are no longer supporting Rose?

4 A. No.

5 Q. You did at one time.

6 A. I did. Rose did a lot for me.

7 Q. When did you quit supporting Rose?

8 A. It's been a while.

9 Q. How long?

10 A. I don't know. Months.

11 Q. When's the last time she lived with you?

12 A. Months.

13 Q. Where was she living with you last? In Kate's

14 house?

15 A. Not long. About two weeks. Not long at

16 Kate's.

17 Q. Where else then?

18 A. Tarpon.

19 Q. You told me that Susan Schnitz, S-c-h-n-i-t-z,

20 no longer does your books. Who does your books now?

21 A. Nobody.

22 Q. Who does your wife's books?

23 A. I don't know.

24 Q. Did you get paid in full for the job you did

25 in Tampa when you tore the building down?

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1 A. I did.

2 Q. Do you have any of that money left?

3 A. No.

4 Q. Do you have any money anywhere?

5 A. Nope.

6 Q. You have any real estate?

7 A. Do I have any what?

8 Q. Real estate.

9 A. Nope.

10 Q. Stocks?

11 A. Nope.

12 Q. Bonds?

13 A. Nope. Bond, yeah. I -- no, I'm off the bond.

14 They give it back to me. I'm done with that.

15 MR. SCHNITTKE: No, he's talking about

16 bonds.

17 MR. BECKER: Yeah.

18 MR. SCHNITTKE: Okay.

19 MR. BECKER: It's not worth the --

20 Q. Any other --

21 A. What does that mean?

22 Q. I was asking you about whether you owned a

23 bond, not whether you were on a bond. I'm --

24 A. I'm done with that bond.

25 Q. I understand. There's a difference between

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1 what you might own and what you might be required to  
2 perform.  
3 A. Okay.  
4 Q. There's two different types of bonds, and we  
5 had a confusion about which it was.  
6 You have nothing to do with Rock -- Rock  
7 Concrete, LLC?  
8 A. I used to work for Rock Concrete when I was  
9 16. I don't know where you get the Rock Concrete, LLC.  
10 If it was LLC I don't know. That's been many years  
11 ago.  
12 Q. Nothing since?  
13 A. Nope. He's died.  
14 Q. Who'd you buy the Hazemag crusher that was  
15 stored in Mississippi from?  
16 A. A company out of -- I think it was from New  
17 Jersey or somewhere. I -- I'm not for sure where it's  
18 from.  
19 Q. Where was it when you bought it?  
20 A. What do you mean?  
21 Q. Where was it physically located when you  
22 bought it? Was it Florida already, or did you have to  
23 go to New Jersey and get it?  
24 A. There was a -- no, they delivered it to me.  
25 Q. They delivered it. How much did you pay for

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1 it?  
2 A. Over two hundred I believe.  
3 Q. Where'd you get the money?  
4 A. I was working up at -- in Pittsburgh. They  
5 delivered it right to Pittsburgh, up to -- in -- I  
6 can't think of the guy's name. I'll tell you here in a  
7 second.  
8 Q. When was this?  
9 A. It's been a while.  
10 Q. Well, you didn't tell me about the Hazemag  
11 crusher when I took your deposition in September of  
12 '06?  
13 A. When?  
14 Q. September of '06.  
15 A. The Hazemag crusher didn't have anything to do  
16 with that.  
17 Q. I asked you about all your assets back then.  
18 You didn't tell me about that one. So you already had  
19 it someplace at that time, is that what you're telling  
20 me now?  
21 A. It was in Pittsburgh on that job.  
22 Q. Well, who owns it? Who owned it? Who owned  
23 the Hazemag crusher, which of your companies?  
24 A. I think RNF Coal.  
25 Q. I never heard of RNF Coal. That's a company

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1 of yours?  
2 A. No.  
3 Q. Well, who --  
4 A. But, I -- I mean, that's who I -- I think  
5 that's who the purchaser was.  
6 Q. You bought it. You told me you bought it from  
7 a guy in New Jersey for 200,000 bucks.  
8 A. I took the deal on the Hazemag and made  
9 payments to another person.  
10 Q. All right. And who did you put the Hazemag --  
11 who owned the Hazemag then when you bought it?  
12 A. I -- I don't know. I don't know what entity  
13 or -- or how that worked. Alex Parish was who I was  
14 working for.  
15 Q. How did it get from Pittsburgh to Florida?  
16 A. The truck.  
17 Q. You towed -- you towed it?  
18 A. I did not tow it.  
19 Q. Who did?  
20 A. Andy Hunter.  
21 Q. And how did it get from Florida to Louisiana?  
22 A. The truck.  
23 Q. When did you move it from Florida to Louisiana  
24 or Mississippi?  
25 A. It wasn't that long ago. Months.

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1 Q. And who was the last owner of the Hazemag  
2 crusher? Whose name was it in?  
3 A. I don't know.  
4 Q. Well, it was yours.  
5 A. I -- I don't -- you asked me what name it was  
6 in. I don't know. I -- I have no idea.  
7 Q. Where did the \$200,000 come from, which  
8 company that you used to buy it?  
9 A. I -- I don't -- I don't -- I don't know.  
10 Q. What was the name of the company that was  
11 doing the work in Pittsburgh for Alex Parish?  
12 A. It might have been American Aggregate. It's  
13 been a while ago.  
14 Q. What's it worth now, in the last -- in the  
15 condition that you last saw it in what's it worth?  
16 A. I just had it painted, new belts put under it,  
17 and they -- and the motor's not even six months old.  
18 Q. So what's it worth?  
19 A. Close to -- to two hundred.  
20 Q. All right. What about the trailer? It's in  
21 pretty bad shape?  
22 A. What trailer? It don't take a trailer.  
23 Q. Whatever it sits on.  
24 A. It don't -- no, it's not.  
25 Q. It has wheels -- it's got -- it's got its own



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1 wheels?  
 2 A. Yes.  
 3 Q. I don't know what these things are. All I  
 4 know is that the wheels I saw --  
 5 A. That -- that was all sand -- scrape painted  
 6 it. There's nothing wrong with that crusher.  
 7 Q. The last time you saw it?  
 8 A. That's -- that's -- that's what they was  
 9 doing, is -- getting it ready for that big project.  
 10 Q. What's your definition of a bounced check?  
 11 You talked about that earlier. Does that mean that  
 12 somebody stopped payment or that there was  
 13 non-sufficient funds?  
 14 A. It means there was no money in the bank.  
 15 That's what I was always told.  
 16 Q. Okay. You don't know one way or another  
 17 whether they stopped payment on the check that they  
 18 sent you or whether there was just not sufficient funds  
 19 in the bank?  
 20 A. They stopped payment on one check and the rest  
 21 of them bounced.  
 22 Q. Why'd they stop payment?  
 23 A. Because they didn't have the money and they  
 24 probably didn't want to bounce a check, I assume. I  
 25 don't want to answer anything with Phoenix because I

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1 have a -- an attorney in Louisiana on that.  
 2 Q. Have you signed any contracts or agreements  
 3 since I took your deposition in September of 2006?  
 4 A. I don't know. I -- I -- I may have and I may  
 5 not have. I don't know.  
 6 Q. Well, what agreements would you have signed if  
 7 you signed one?  
 8 A. I don't know. '06 and today's a long -- a  
 9 long way apart.  
 10 Q. Do you own the Forny's any money?  
 11 A. I'm sorry?  
 12 Q. The Forny's. Do you know --  
 13 A. I don't --  
 14 Q. Do you owe them --  
 15 A. That's in litigation in Licking County.  
 16 Q. Well, do you owe them any money or not?  
 17 A. And I'm not --  
 18 Q. Have they sued you?  
 19 A. I'm not -- I'm not answering that question.  
 20 Q. Have they sued you?  
 21 A. I'll call Sam.  
 22 MR. SCHNITKE: No, you just --  
 23 Q. I just asked whether they've sued you.  
 24 A. I'm not going to answer that question. I  
 25 plead the fifth.

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1 Q. As to whether they've sued you or not?  
 2 A. I don't know if they've sued me.  
 3 Q. Are you facing any other lawsuits?  
 4 A. I don't know. I -- I -- I don't know.  
 5 Q. What other lawyers do you have?  
 6 A. Sam.  
 7 Q. He's a criminal lawyer in Ohio; right? Sam  
 8 Shamansky.  
 9 A. Yes.  
 10 Q. He's not doing any civil work for you, like  
 11 these guys?  
 12 A. Right. Sam.  
 13 Q. All right.  
 14 A. Mike Fowler.  
 15 Q. He's the one in Louisiana; right?  
 16 A. Correct.  
 17 Q. Is he representing you on any cases where  
 18 you've been sued in Louisiana, or just the one that he  
 19 filed on your behalf?  
 20 A. Just whatever's going on in Louisiana.  
 21 Q. All right.  
 22 A. And I hired Steve for this.  
 23 Q. All right.  
 24 A. And --  
 25 Q. You have Eric Knouse, who's a criminal lawyer

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1 in Colorado?  
 2 A. Yeah, Eric Knouse.  
 3 Q. But he's just doing criminal cases for you;  
 4 right?  
 5 A. I guess he's no longer an attorney for me now.  
 6 Q. Whatever. But he's not doing any civil cases  
 7 for you?  
 8 A. Nope.  
 9 Q. Anybody else?  
 10 A. Not to my knowledge.  
 11 Q. Where'd you get the money to pay your lawyers?  
 12 A. Kate. And I still owe Ben.  
 13 Q. Do you have any current business relationships  
 14 with Vincent Promuto?  
 15 A. Friendship.  
 16 Q. That's it. No business relationships?  
 17 A. Nope.  
 18 Q. He's not paying you anything? You're not  
 19 doing any work for him?  
 20 A. Nope.  
 21 Q. Have you been to Costa Rica since September of  
 22 2006?  
 23 A. Excuse me?  
 24 Q. Have you been to Costa Rica since September of  
 25 2006?

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1 A. Costa Rica?  
2 Q. Yes.  
3 A. I have not been to Costa Rica.  
4 Q. Never been to Costa Rica; right?  
5 A. I went on a cruise once, but I don't know  
6 where.  
7 Q. When?  
8 A. That was in -- that's been a while ago.  
9 Q. Before September of 2006?  
10 A. Before all this problems.  
11 Q. Who's Tracie Domino?  
12 A. Tracie Domino?  
13 Q. She lived in Palm Harbor, Florida.  
14 A. I don't know. Oh, that's the lady that I  
15 rented the house from.  
16 Q. Which one?  
17 A. Palm Harbor.  
18 Q. Did she live with you there?  
19 A. No.  
20 Q. You two didn't live together?  
21 A. No.  
22 Q. You have any dealings with Tracie since  
23 September of 2006?  
24 A. I just paid her rent until I couldn't pay no  
25 more and left.

1 A. I don't believe Vince owes anybody -- Vince is  
2 a multi, multi, multimillionaire.  
3 Q. So you don't know anything about it?  
4 A. No.  
5 Q. When you stopped by the sheriff's officer in  
6 Louisiana --  
7 A. I don't want to discuss that. That's part of  
8 the -- some situation that my attorney's handling in  
9 Louisiana.  
10 Q. What's the basis for not discussing it?  
11 A. Because there's things that the attorneys  
12 don't want -- and I -- I'm not going to discuss it. I  
13 plead the fifth.  
14 Q. Were any charges brought against you?  
15 A. Where at?  
16 Q. Louisiana?  
17 A. Falsely. And I'm not going to discuss that  
18 either. I plead the fifth.  
19 Q. Have you ever carried an ID in the name of  
20 Michael O'Riley?  
21 A. Never.  
22 Q. The eagle crusher that's located at Roger  
23 Barrick's --  
24 A. Yes.  
25 Q. -- what's your summation of its value?

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1 Q. Do you owe her any money?  
2 A. I don't think so. I may. I don't think so.  
3 Q. Who's David Hecker?  
4 A. Who?  
5 Q. David Hecker.  
6 A. I don't know.  
7 Q. He's the CFO of Retif Gas. Do you know him?  
8 A. I do not know him.  
9 Q. Do you know Retif Gas?  
10 A. Retif Oil?  
11 Q. Yeah.  
12 A. Yeah.  
13 Q. Who are they?  
14 A. That's where Vince bought his fuel from.  
15 Q. Does he owe them money?  
16 A. I -- I don't handle Vince's debt.  
17 Q. I didn't ask you if you did. I just want to  
18 know if you know --  
19 A. I don't know.  
20 Q. -- if Vince owes him any money.  
21 A. I don't know.  
22 Q. After Vince bought the gas station and didn't  
23 pay the individuals who delivered the fuel that you  
24 were selling for cash only, you don't know anything  
25 about that?

1 A. Let's see. Ninety -- it's been sitting for a  
2 long time. I -- I need to go down and fire it up  
3 and --  
4 Q. Best estimate.  
5 A. If you want me to do that.  
6 Q. Best estimate. I mean, I -- is it worth  
7 \$10,00, or is it worth \$100,000 plus, or --  
8 A. A hundred fifty plus.  
9 Q. Could be more, depending on the shape it's in?  
10 A. Right. I mean, just because they look like  
11 they're all rusted up, it -- that has nothing to do  
12 with it.  
13 Q. All right.  
14 MR. BECKER: Give me five minutes to talk  
15 to my client. I think we're close to being done for  
16 what we can do today without documents.  
17 VIDEOGRAPHER: We're going off the record  
18 at 4:27:59.  
19 ---  
20 Off the record.  
21 ---  
22 VIDEOGRAPHER: We're going back on the  
23 record at 4:33:30. Go right ahead.  
24 MR. BECKER: All right. For purposes of  
25 today, given that we don't have the documents that were

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1 ordered by Judge Lewis to be produced, I think we  
2 can -- we can conclude. We will reserve and keep this  
3 deposition open once we're informed that the documents  
4 that are available can be produced. And we can  
5 reschedule this at a date and time to be agreed upon,  
6 or at the order of the court if we can't agree.

7 Having said that, we'll close it for  
8 today.

9 THE WITNESS: Wait a minute. I want to  
10 say something for the record as well.

11 MR. SCHNITTKE: You want to talk to me  
12 before you say something for the record?

13 THE WITNESS: Yes.

14 VIDEOGRAPHER: We're going off the record  
15 at 4:34:04.

16 ---  
17 Off the record.

18 ---  
19 THE WITNESS: One other thing is, for the  
20 record --

21 VIDEOGRAPHER: We're going back on the  
22 record at 4:36:39. Go right ahead.

23 THE WITNESS: I also, for the -- for  
24 the -- for the record, my medical for my head where I  
25 had a head trauma and fell 17 feet is in here. And if

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1 you want to make a copy of this. And it says all about  
2 my brain damage and my microscopical bleeding from  
3 Pittsburgh Hospital and whatever this other stuff says.

4 MR. BECKER: You can give it all to  
5 counsel and then if we need it we can obtain it from  
6 him.

7 BY MR. BECKER:

8 Q. Does you -- do you get Workers' Compensation  
9 for that?

10 A. What do you mean?

11 Q. Do you get -- were you injured on the job when  
12 that happened?

13 A. Yes.

14 Q. Do you get Workers' Compensation? Do they pay  
15 your bills?

16 A. My medicine.

17 Q. What Workers' Compensation state pays that?  
18 Which state were you injured in?

19 A. Ohio.

20 Q. Ohio. So what's your Workers' Comp. claim  
21 number?

22 A. I don't have one.

23 Q. Well, who pays the medical? Who pays for that  
24 prescription?

25 A. It's -- every time I pick it up it's free.

1 MR. SCHNITTKE: You got to have a claim  
2 number --

3 Q. You got to have a claim number for somebody to  
4 be paying --

5 A. Okay, that I don't know.

6 Q. Did you file a Workers' Comp. claim in Ohio?

7 A. No.

8 Q. Do you have any Social Security claims?

9 A. No. Yeah. I'm sorry, yes. There was at the  
10 hospital when -- because I was paralyzed.

11 Q. Are you collecting Social Security?

12 A. No, I didn't take it.

13 Q. You don't get any benefits from anybody?

14 A. I didn't take it. I went back to work.

15 Q. All right.

16 MR. SCHNITTKE: Mr. Becker, apparently  
17 when you did his deposition the last time -- you know,  
18 I wasn't privy to this, and maybe Mr. Zacks was and  
19 Mr. Shamansky -- was the statement to the effect that  
20 this was not to be shared with any other attorney.

21 MR. BECKER: No, that was never an  
22 agreement. Absolutely not. And I won't agree to that.  
23 It's public -- public domain.

24 MR. SCHNITTKE: Okay. Well --

25 MR. BECKER: The -- the only agreement we

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1 made was regarding his Social Security Number, as I  
2 recall. He went off the record and gave it to us.  
3 Other than that --

4 THE WITNESS: And my Social Security  
5 Number still remains off the record; correct?

6 MR. BECKER: I don't know that we even --  
7 I don't think I asked you that.

8 THE WITNESS: Yes, you did. You -- you  
9 read it off.

10 MR. BECKER: I read it off. You're right.

11 THE WITNESS: And it's -- and it's in  
12 these --

13 MR. BECKER: I'm not agreeing to anything.

14 THE WITNESS: Well, then we need to --

15 MR. SCHNITTKE: Okay.

16 MR. BECKER: File a motion with the court  
17 if you want.

18 THE WITNESS: Okay.

19 MR. SCHNITTKE: Okay.

20 MR. BECKER: Okay. We're done for today?

21 THE WITNESS: Yes.

22 MR. BECKER: Do you want to explain  
23 signature to him or do you want to --

24 VIDEOGRAPHER: Mr. Riley, you have the  
25 right to video this videotaped deposition right now for

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1 its accuracy, you also have the right to read the  
2 typewritten transcript when it's prepared, or you can  
3 waive those rights.

4 THE WITNESS: I want them.

5 MR. SCHNITTKE: You want to read them?

6 THE WITNESS: Yes.

7 VIDEOGRAPHER: Do you -- will you -- do  
8 you want to view the tape?

9 THE WITNESS: Yes.

10 VIDEOGRAPHER: You have -- it'll have to  
11 be done right now.

12 THE WITNESS: That's fine.

13 MR. SCHNITTKE: Okay. I'm not going to  
14 stick around and do that.

15 THE WITNESS: Okay.

16 MR. SCHNITTKE: I don't know if the  
17 library will let you stick around to do that. We are  
18 supposed to leave here at 5:00.

19 VIDEOGRAPHER: You -- if he'll waive it --

20 THE WITNESS: I -- I'll go somewhere else  
21 and see it.

22 MR. BECKER: You're going have to pay him  
23 for his time.

24 VIDEOGRAPHER: It'll have to be done right  
25 here, right now.

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1 THE WITNESS: Okay.

2 MR. BECKER: I'm not paying for the  
3 videographer.

4 VIDEOGRAPHER: And who's going to pay for  
5 my time?

6 MR. BECKER: I will not pay for him to  
7 review his -- his videotape.

8 THE WITNESS: How do I know what type was  
9 in there prior to me coming?

10 MR. SCHNITTKE: Nothing. It'd be a virgin  
11 tape starting out with, right, Terry?

12 VIDEOGRAPHER: That's correct.

13 THE WITNESS: Is that how it works?

14 MR. BECKER: That's correct.

15 THE WITNESS: Okay. That's fine.

16 VIDEOGRAPHER: Then you'll waive?

17 THE WITNESS: Yes, sir.

18 VIDEOGRAPHER: You -- and you'll read  
19 the --

20 MR. SCHNITTKE: Yes.

21 VIDEOGRAPHER: -- typewritten?

22 Okay. Thank you very much.

24 (THE VIDEOTAPED DEPOSITION CONCLUDED AT 4:45 P.M.)

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1 State of Ohio

2 ss:

3 County of \_\_\_\_\_:

4 I, GEORGE M. RILEY, do hereby certify that I  
5 have read the foregoing transcript of my  
6 deposition given on January 25, 2008; that  
7 together with the correction page attached hereto  
8 noting changes in form or substance; if any, it  
9 is true and accurate.

10 GEORGE M. RILEY

11 I do hereby certify that the foregoing  
12 transcript of the deposition of GEORGE M. RILEY  
13 was submitted to the witness for reading and  
14 signing; that after he had stated to the  
15 undersigned Notary Public that he had read and  
16 examined his deposition, he signed the same in my  
17 presence on the \_\_\_\_\_ day of \_\_\_\_\_,  
18 \_\_\_\_\_, 20\_\_.

19 NOTARY PUBLIC

22 My commission expires \_\_\_\_\_, \_\_\_\_\_.

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1 State Of Ohio : CERTIFICATE  
2 County Of Muskingum

3 I, Debbie M. Bobo, Registered Professional  
4 Reporter, Notary Public in and for the State of Ohio, duly  
5 commissioned and qualified, do hereby certify that the  
6 within-named GEORGE M. RILEY was first duly sworn to  
7 testify to the truth, the whole truth, and nothing but the  
8 truth in the cause aforesaid; that the testimony then given  
9 was by me reduced to stenotype in the presence of said  
10 witness; that the foregoing is a true and correct  
11 transcript of the testimony so given as aforesaid,  
12 transcribed from my stenographic notes upon a computer; and  
13 that this deposition was taken at the time and place in the  
14 foregoing caption specified, and was completed without  
15 adjournment.

16 I do further certify that I am not a relative,  
17 employee, or attorney of any of the parties hereto, and  
18 further that I am not a relative or employee of any  
19 attorney or counsel employed by the parties hereto, or  
20 financially interested in the action. I am not, nor is the  
21 court reporting firm with which I am affiliated, under a  
22 contract as defined in Civil Rule 28(D).

23 In witness whereof, I have hereunto set my hand  
24 and affixed my seal of office at Zanesville, Ohio, on this  
25 13th day of February, 2008.

17 My Commission Expires DEBBIE M. BOBO, RPR  
18 December 2, 2012 NOTARY PUBLIC, STATE OF OHIO